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**Loyalism in North Carolina
during the American Revolution**

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LOYALISM IN NORTH CAROLINA
DURING THE AMERICAN REVOLUTION

BY

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I.
THE BASIS OF LOYALISM IN NORTH CAROLINA.

Various phases of the American Revolution have been subjected to much readjustment at the hands of historical students. Among these phases Loyalism is prominent. The Loyalists and their cause have been much neglected and much misunderstood. Only recently have we gained enough perspective and lost enough prejudice to begin to comprehend their motives and their importance. We can now clearly see that the Revolution was a civil war; and that the weakness of the losing side in the struggle was a weakness not so much in numbers, wealth, or ability as in that very conservatism and respect for law which made them loyal.¹ The tactless methods of the British government and its representatives made the Loyalists' position still more untenable. The Tories possessed both patriotic devotion and courageous adherence to principle. From their point of view the Whigs were a rebellious faction blindly intent on secession and anarchy. The Loyalists' stand was not illogical and certainly not to be sweepingly condemned.² They did not generally acquiesce in all British measures; they believed in peaceable and legal means of resistance.³ Local prejudices, personal animosities and business connections determined in many cases party affiliations; but there is no evidence that mean motives swayed Tories oftener than Whigs. Scoundrels and cowards, no doubt, were on both sides. In the long run, the Tory seems to have been as faithful, as consistent, and as willing to sacrifice as was the Whig.

Loyalists, in general, fall into a more or less obvious and familiar classification. Placemen, from the governors down, were logically loyal. The Anglican clergy were loyal. Those who had commercial relations with England were not likely to be revolutionists. The wealthy, those who had prospered under existing conditions and who had large material interests at stake, were naturally conservative and opposed to any war. In most of the colonies, the cultured class, many of whom had been educated in England and had shifted to the English view-point, were inclined to adopt strictly legal means of resistance.

The Southern colonies, with their peculiar social, economic and geographical structure, produced a somewhat different party alignment.

1 Van Tyne, *Loyalists*, 165; Flick, *Loyalism in New York*, 11.

2 See article by Tyler in *Am. Hist. Rev.*, I., 24ff.

3 Flick, *Loyalism in New York*, 11, 12, 50.

In the South, as elsewhere, the placemen were generally loyal; though there were more exceptions in North Carolina than in colonies like Massachusetts where bitter debates and agitations had made the opinions of possible royal appointees well-known. The last royal governor of North Carolina, Josiah Martin, was as faulty in his judgment as he was in his handling of men; but the fact that in October, 1772, he offered to name Samuel Johnston for the Council,¹ that as late as 1773 he nominated Willie Jones for the same place,² and that in April of 1774 he considered L. H. De Rosset a Whig³ and Richard Caswell a Tory,⁴ would seem to make it inevitable that when the time of testing came many office-holders would acknowledge Whig opinions. Tryon, during his administration, had fraternized with future Whig⁵ leaders and had bestowed his patronage on the Whiggish eastern counties. Later, many of these office-holders, manifesting Whig symptoms, had to be dismissed by Martin.⁶

In North Carolina, members of the Episcopal Church were in both parties. Anglicanism and non-Anglicanism had,⁷ apparently, nothing to do with the formation of parties in the colony.

A large majority of the merchants of the colony were loyal.⁷ On the other hand, many of the educated men were Whigs. Most of this class who were natives or long residents were ardent revolutionists. Education and wealth, especially in the Southern provinces, largely determined political leadership; and those who for a decade had been popular leaders were in the Whig vanguard.¹⁰ Mercenary motives, of course, played their subtle part in the alignment of parties; but there were rich men on both sides with the preponderance, of any, in favor of the Whigs. A majority of the wealthy Tories had not been in the province long.¹¹

Besides these divergences in classification, certain historical

1 C.R. IX., 842.

2 C.R. IX., 844. He was appointed in 1774. C.R. IX., 825. For his relations with John Harvey, the Whig leader, see C.R. IX., 968.

3 C.R. IX., 972.

4 C.R. IX., 1061.

5 C.R. VII., Pref. Notes, 20.

6 E. g., Samuel Johnston.

7 Ramsay, American Revolution, II., 813; Johnson, Greene, I., 257. In 1769, members of the Anglican Church in Rowan County petitioned for the appointment of 18 men for vestrymen. Only 3 of the 18 became Tories. C. R. VIII., 154-5.

8 Martin to Germain, April 9, 1777. C.R. XI., 715. Also C. R. X., 48. Their attitude was expressed by Andrew Miller, a merchant of Halifax, who wrote in April, 1778: "In the Infant State of the Colonys, while they cannot subsist without the Protection of some Maritime Power such as Britain, it will be well to submit, and 'We are not in a Condition to Combat with Britain....' C.R. IX., 1206.

9 Johnson (Greene, I., 257) gives a list of 27 leading Carolinians who had been educated in England. All but one were Whigs. In Mecklenburg County, all but one of the 14 trustees of Queen's College were Whigs. C.R. VIII., 487. William Cooper and Samuel Johnston were Harvard men; Waightsill Avery and Alexander Aspin, Princeton; Willie Jones, Eton. Weeks, in Am. Hist. Ass'n Rept., 1895, 206-211.

10 "The Revolutionary movement there was an affair of the colonial aristocracy." Bassett, in Am. Hist. Ass'n Rept., 1895, 271, 276.

11 E. g., Sir Nathaniel Duckinfield, who arrived in 1770; James Hogg, in 1774.

events are necessarily introductory to a study of North Carolina Loyalism. The two which appear most significant are the immigration of the Highland Scotch and the Regulation disturbances.

The Highland Scotch were consistent Loyalists. Martin in his letters to Dartmouth and Germain repeatedly emphasized the dependability of the Highlanders. The reasons for their loyalty seem reasonably clear. They were recent arrivals in the province. The tide of Scotch emigration¹ did not set in toward America till the middle of the eighteenth century. Between 1770 and the outbreak of the Revolution,² Highlanders were still coming to North Carolina in great numbers. They had not had time to become accustomed to American life and American ways of thinking. They settled in distinct communities, preserved their clan organization, and continued to speak their own Erse dialect.³ They refused to be assimilated or converted to colonial views. Naturally undemocratic, they believed in the divine right of kings.⁴ They were in general poor; and in the securing of homes in the new world they considered themselves under obligations to the King and his Governor.⁵ On their arrival, Martin treated them with the utmost kindness. The authority which could give them land and promises of protection and to which in return they had sworn a solemn oath of allegiance⁶ must have seemed to them much more deserving of support than the turbulent Whigs who were urging strange theories and treasonable purposes.⁷

It is difficult to estimate the numbers of the Highlanders. In June, 1775, Martin wrote Dartmouth that the "Emigrants from the Highlands of Scotland" could furnish him 2000 soldiers, or one-tenth of the fighting men of the whole country. The counties of Cumberland, Orange, Chatham, Guilford, and Randolph, comprising the heart of the province, were overrun with Highlanders.⁸ There were also many in Bladen.

The "war" of the Regulation bears a definite relation to Loyalism, and it is only in that relation that it needs discussion here. In the first place it was a local rebellion. Its ruling motives were neither political nor religious.⁹ It was directed, not at England and her system,

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1 Hunter, Sketches, 289.

2 C.R. IX., 364; 1159; X., 324, 327.

3 Johnson, Greene, I., 261.

4 Wheeler, Reminiscences, Introduction, XXVI.

5 General McDonald wrote to General Moore before the battle of Moore's Creek: "I cannot conceive that the Scotch emigrants ... can be under greater obligations to this country than to the King.....(who) enabled them to visit this western region." C.R. XI., 273-279.

6 C.R. X., 324.

7 Ibid.; Wheeler, Reminiscences, Introd., 26.

8 C.R. X., 45; 46.

9 Infra.

10 Bassett, in Am. Hist. Ass'n Rept., 1894, 142, 162; Howard, Preliminaries of the Revolution, Am. Nation, Vol. VIII., 222; Paper, North Carolina, A Royal Province, 24.

but at dishonest sheriffs, grasping clerks, excessive taxes, and extortion-
ate fees.¹ The way in which the movement was suppressed is most signifi-
cant. By the whole of North Carolina officialdom, the Regulators were
looked upon as lawless "Insurgents". The Governor, the Council, and the
Assembly vied with one another in measures to crush the "insurrection".²
The eastern politicians, who were later to be the Whig leaders in the
Revolution, zealously supported Governor Tryon and fought under him at
Alamance.³ Small wonder is it that these leaders should be distrusted by
the men whom they had vanquished.⁴ This hostility, though nowhere openly
expressed in the records, was no doubt one of the most important causes of
the later almost unanimous loyalty of the Regulators.⁵ Moreover, after
the battle of Alamance over 6000 Regulators took an oath of allegiance.⁶
It is impossible to attribute their loyalty to this oath alone. Martin
thought in the Spring of 1775 that their "correction" from Tryon and their
"Solemn Oath of Allegiance" were holding the people of the western counties
in line.⁷ And after the Whig leaders conferred with the Regulators in 1775
it was reported that they "have some scruples about the oath administered
to them by Governor Tryon", some of them, however, overcoming their scruples
and signing the Association. Many Regulators were made to believe, also,
that they had been outlawed and could secure pardon only by acting with the
British.⁸ The lesson of Alamance instilled into others a lasting dread of
British power.

The Regulation movement involved a population of at least 50,000.¹⁰
The territory affected extended from Wake County west to the mountains.¹⁰
The counties of Randolph, Guilford and Orange were centers of the movement;¹¹
later, they were regions of greatest Tory activity.¹² Many of the most
energetic Regulators, however, had probably left the province before the
Revolution.¹³

The Regulation can not be used as a touchstone for the ascertainment

1 Bassett, in Am. Hist. Ass'n Rept., 1894. 147n; C.R. VII., 59; XV.,
762.

2 C.R. IX., 17-18.

3 C.R. VII., Pref. Notes, 30, 338; VIII., 576; 659; IX., 124. Alexander
Martin, Whig Governor of North Carolina in 1781, was whipped by the
Regulators in 1770. C.R. VIII., 242.

4 Thomas Person is the only prominent Regulator who became a Whig.
He was a member of the Revolutionary Assembly. It is interesting to note
that on legislation against the Tories he took a moderate stand. See
yea and nay votes, C.R. XVII., 421; XIX., 671.

5 Bassett, Regulators, 209.

6 C.R. IX., 78.

7 C.R. X., 243.

8 C.R. X., 169, 303, 304.

9 C.R. VIII., 258.

10 C.R. VII., Pref. Notes, 32.

11 C.R. IX., 229; Bassett, Regulators, 147n.

12 Infra.

13 In one year after Alamance, 1500 families had left the province,
according to Morgan Edwards who toured the country in 1772, and many more
were planning to follow. C.R. IX., 14-20.

of loyalty. Most of the Regulators became Tories; but not all who opposed them became Whigs. Ralph McNair and Edmund Fanning were special objects of hate in the back country; but both became Tories. The members of the loyal Council called the Regulators "detestable Rebels".¹ Indeed, it is probable that the battle of Alamance, instead of being a primary cause of Loyalism in the back country, only strengthened efficient causes already at work. Loyalism would, no doubt, have pervaded this region, though probably not to so great an extent, had there been no Regulation disturbances.² The West and the East were out of sympathy. Sectionalism produced the Regulation, which, reacting, made sectionalism more pronounced and developed Loyalism.

The settlement of the western counties had been distinct from that of the eastern.³ The East was the older section and had been populated largely by direct emigration from the British Isles or from Virginia.⁴ People had been there long enough to feel that they belonged to the country and that the country belonged to them. They lived along the coasts and on navigable rivers with easy means of communication. They were a homogeneous compact population with towns and courts within easy reach. They were settled on the bottom lands, and what products they shipped were sent out of the province.⁵

On the other hand, the West had been settled by various groups which had drifted and pushed southward along the eastern slope of the Alleghenies, an overflow, not of eastern North Carolina, but of the back counties of Pennsylvania and Virginia.⁶ This settlement had been rapid and recent.⁷ The new settlers had not had time to amalgamate.⁸ They still had their local prejudices and still harked back to their early associations. The topography of the country tended to break them up still more. In their emigration, they had followed the rivers; as a result, different nationalities occupied strips across the province, extending in a south-westerly direction, "like so many strata of a geological formation".⁹ There were no unifying centers.¹⁰ Courts were distant.¹¹ Moreover, the settlers in the

1 C.R. IX., 9.

2 In Connecticut, which had no war of the Regulation, there was, nevertheless, a marked localization of Loyalist sentiment west of the Housatonic. This has been attributed to the distance of this section from Boston. Gilbert, Connecticut Loyalists, in Am. Hist. Rev., IV., 278.

3 This paragraph is based on Schaper, Sectionalism in South Carolina, in Am. Hist. Ass'n Rept., 1900, I., 245-468. In respect to Sectionalism, the two Carolinas were not dissimilar.

4 Raper, North Carolina, A Royal Province, 43.

5 Schaper, 248-9; C.R. VI., 606.

6 Schaper, 250, 317.

7 Ibid., 250; Weeks, in Am. Hist. Ass'n Rept., 1895, 212; Hunter, Sketches, 239.

8 Johnson, Greene, I., 287.

9 Bernheim, History of the German Settlements, 152.

10 Schaper, 317.

11 In 1771, inhabitants of the "Upper Settlements of the Catawba River Yadkin River and three Creeks" were 140 miles from Salisbury, their seat of justice. C.R. IX., 91.

back country were small farmers.¹ They tilled, not the boggy marshes of the bottom lands, but gravelly hills which were adapted to the raising of corn, wheat and stock.² They were producing, not for export, but for their own living.³

There was little communication between the East and the West. "It is likely", says a close student of North Carolina colonial history, "that the inhabitants of this region (the West) knew more about Philadelphia at that time than about Newbern or Edenton."⁴ Thus, between the two sections of the province there were distinctly lacking ties of blood, common origin, economic interdependence and intercommunication.

In addition to these distinctions and partly as a result of them, a sharp political differentiation had arisen. The East had secured the control of the government and had not exercised that control with due regard to the needs of the West. The eastern politicians possessed the skill derived from long residence and experience, the prestige of wealth and education, and the advantage of being near the capital.⁵ The East was the slave-holding section. In 1767, in the 16 eastern counties, (i.e. those not settled by people coming the western route), there were 41,000 whites and 21,500 blacks.⁶ In the 13 western counties, there were 77,000 whites and 16,000 blacks. In Brunswick County, there were 900 whites to 1800 blacks.⁷ Rowan County in the West had, on the other hand, in 1754 only 100 blacks to 4500 whites. It is true that in 1767 four eastern counties were put in the class of "mostly poor"; but these counties were of the sparsely settled swampy lands of the coast.⁸ The eastern counties, as a whole, had much more than their share of the wealth of the province. The more populous eastern counties had five votes in the Assembly; and, since some of their towns also had representation, there were sometimes six Assemblymen from one eastern county, while no county in the other section could muster more than three. Currituck, Perquimans, Pasquotank, Chowan, Tyrrell, Bertie, Martin, and the town of Edenton, with 29 votes in the Assembly "constantly draw together", complained Martin in

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1 Schaper, 317.

2 C.R. VI., 607.

3 Schaper, 317-318.

4 Bassett, in Am. Hist. Ass'n Rept., 1894, 146.

5 The following list of eastern residents shows how that section monopolized political leadership: John Harvey, Joseph Hewes, Thomas Jones, Robert Smith, of Edenton; Abner Nash, Richard Caswell, John Penn, of Newbern; John Ashe, Samuel Ashe, Cornelius Harnett, Robert Howe, Maurice Moore, Alexander Lillington, James Moore, Timothy Bloodworth, William Hooper Archibald MacLaine, of Wilmington. Weeks, in Am. Hist. Ass'n Rept., 1895, 209-211.

6 These, and the figures following, are from Bassett, Slavery and Servitude in North Carolina, J. H. U. Studies, 1896, 22, 25.

7 Ibid.

8 C.R. VII., 540, 541.

9 C.R. VII., Pref. Notes, 20; Raper, North Carolina, A Royal Province, 43.

1774, and "are always led by a man or two".¹ The eastern counties received most of the patronage.² In 1769, every member of the Council, the public treasurers, the judges, the attorney-generals, and a majority of the minor officials were from the East.

The back country men did not conceal their jealousy. After the election of delegates to the first Continental Congress, Andrew Miller wrote: "I am told that they (the Provincial Resolves) were drawn by Mr. Hooper, for whom there was such Injustice used by the meeting, to get him appointed a Delegate, that I hope the Western Counties will pay no share of their expences, as they had no share in the Nomination, having only one or two members for a County, and the Southern and lower Countys had some of them 6 votes. It is not in Character, to dispute the power of Parliament when we say we are not represented, and yet quickly submit to so unequal a Representation in a body formed by ourselves."³ In this we can read the opinion both of the potential Loyalist and of the sectionalist.

The personal influence of Josiah Martin, commissioned Governor in 1771, tended to accentuate the political divergences in the province. Tryon had just concluded a military campaign, leaving to his successor the pleasant task of paying for it. Tryon had been politic and had ingratiated himself with the eastern leaders.⁴ Martin was jealous of his predecessor's popularity, lacked tact, and got into wrangles with the Assembly.⁵ His course, though simply a following of instructions, won him the dislike of the provincial leaders.⁶ Tryon might have kept some of these leaders loyal,⁷ Martin could hold only the placemen, and not all of these.. In the back country, however, he was more successful.. In 1772, he visited the Regulators, listening to "solemn protestations of their innocence", treating them with kindness, and assuring them of his good-will.⁸ At the end of the tour he acknowledged that it had opened his eyes. "My indignation is not only disarmed but converted to pity", he wrote.⁹ Such a tour could have but one result, drawing the West nearer to him and putting the East farther away.¹⁰

These various influences, therefore,-- the topography of the province, the character of its settlement, the Regulation movement, and the personality of Martin,-- all tended to differentiate the eastern and the western counties.

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1 Martin to Dartmouth, Sept. 1, 1774. C.R.IX., 1053-4.

2 C.R.VII., 20.

3 Miller to Burke, Sept. 4, 1774, C.R.IX., 1063.

4 Raper, North Carolina, A Royal Province, 26, 27; Sikes, Transition, in J. H. U. Studies, 1898, 11, 13.

5 C.R.VII., 242; Raper, North Carolina, A Royal Province, 26.

6 Sikes, Transition, 10-41.

7 Ibid., 10.

8 C.R.IX., 329.

9 C.R.IX., 330.

10 Sikes, Transition, 10.

Nevertheless, we must not conclude that the war in North Carolina was a war of sections. As will appear later, there was no Mason and Dixon's line separating the "patriots" from the "disaffected". Were one to attempt a sharp demarkation he would encounter many embarrassing exceptions and inconsistencies. The real unit of Loyalism was always, not the county or even the neighborhood, but the individual. The larger Loyalist phenomena, however, appeared rather consistently in certain well-marked regions, i.e. the regions of Highland Scotch settlement, of Regulation disturbance, of political subordination, and (with no particular emphasis upon it) of Josiah Martin conciliation. This region intruded upon the East and did not comprise the whole West.¹

Moreover, North Carolina had a large number of wavering Whigs, inconsistent Tories, and persons attempting to be neutral. The Germans, who were for various reasons inclined to be inert and not to take positive action on either side, were settled in considerable numbers in practically all of the western counties.² The Moravians and Quakers, obeying their peculiar tenets, refused to bear arms on either side, but showed a willingness to assist the British and Tories when they saw an opportunity.³ The Moravian settlement was in Surry County.⁴ The Quakers were scattered.⁵

— Party divisions prior to the outbreak of the Revolution are obscure. The party standing for colonial privilege and represented by the Whig leaders of the eastern counties had been strong during all the disputes with the royal governors,⁶ and its opposition to British measures had met with the general acquiescence of the people.⁷ In 1774, a small element appeared opposing the court policy of the Assembly. But its efforts were unavailing; and it is impossible to give to this brief revolt the Tory name or the Tory principles.⁸ The real Tory party existed in the small group connected with the Governor and dependent upon him for official life.⁹

There was no clear-cut alignment. The Governor was wholly in the dark as to whom to praise and whom to blame.¹⁰ The Anglican Church was not fostering and making conspicuous party differences.¹¹ There were no far-reaching commercial interests to feel jeopardized by agitations and non-importation agreements.¹² There were no large towns, few newspapers,¹³

¹ Infra.

² C.R. VIII., 680, 727, 728, 734, 737, 750, 752, 760; infra.

³ Infra.

⁴ Bassett, in Am. Hist. Ass'n Rept., 1894, 146.

⁵ Cf. *ibid.*

⁶ Sikes, Transition, 22.

⁷ *Ibid.*, 33.

⁸ C.R. IX., 826-827.

⁹ C.R. X., 50; Sikes, Transition, 24.

¹⁰ Ante.

¹¹ Ante.

¹² C.R. VI., 611, 612, 968, 969.

¹³ In 1750, no town in the province had a population of 1000. Weeks, in Am. Hist. Ass'n Rept., 1895, 173.

¹⁴ *Ibid.*, 244-7.

few pamphleteers,¹ no town-meetings. In opposition to the Stamp Act and the tea duty, the province had been united.² The Governor and his Council stood practically alone.³ Those who were to be finally in sympathy with them were unorganized, unawakened to the crisis, and did not rally until it was too late.⁴

The Governor was not the only one who failed to see a clear alignment. Josiah Quincy, fresh from the machinations of Boston politics, came to North Carolina in 1773, evidently prepared to find the pot boiling. He discovered William Hooper "apparently in the Whig interest; has taken their side in the House-- is caressed by the Whigs, and is now passing his election through the influence of that party;" but he pronounced William Dry "seemingly warm against the measures of British and Continental administration;" and at the home of Dr. Thomas Coonam, on whose politics he is silent, he met the "best company of the place."⁵ A long wrangle terminated in 1774 with the passing of the Superior Court Bill.⁶ The Council surrendered to the Assembly, and Martin asked for the dismissal of Putnerford, De Rossett, Sampson, Dry, and Cornell.⁷ They offered profuse apologies, and Martin relented.⁸ "They mixed with the Members of this Cabal," he had written, "and by their whole deportment.... virtually contradicted the advice they had given me as councillors."⁹ Evidently, the members of the Council did not consider the matter at all in the light of a party test of strength. Undoubtedly loyal, they yet seem to have had no acute comprehension of the situation.¹⁰

With the assembling of the Provincial Congress, April 3, 1775, and its revolutionary proceedings, Loyalists began to realize that the time of decision had come. To this Congress nine out of the thirty-four counties sent no delegates,¹¹ and the other delegates, according to Martin, were chosen by not one-twentieth of the people, "notwithstanding every act of persuasion was employed by the Peragogues upon the occasion."¹² We can hardly infer that there was a strong Tory party organized in those counties, for Mecklenburg was one of them. The Tory opposition was probably negative. Four Loyalists answered the first roll-call of the Congress;¹³ but

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1 Ibid.

2 C.B.VII., Pref. Notes, 9, 12. This, however, is not extraordinary. The same thing occurred in New York. Flick, *Loyalism in New York*, 19.

3 C.B.XI., 712.

4 As late as April 6, 1775, Andrew Miller was corresponding with Thomas Burke, a future Whig Governor, and frankly expressing his loyal views. C.B.X., 1063, 1206.

5 C.B.X., 610-611. Both Dry and Cobham were Tories.

6 Sikes, *Transition*, 18, 41.

7 Ibid., 28; C.B.IX., 978.

8 C.B.IX., 978, 980; X., 50.

9 C.B.IX., 1086.

10 C.B.IX., 1239.

11 C.B.IX., 1172.

12 Martin to Dartmouth, April 20, 1775. C.B.IX., 1228.

13 C.B. IX., 1172.

Thomas McKnight refused to sign the Association and the Convention promptly purged itself of his presence¹. Martin said that McKnight's expulsion was caused by his influence in the counties of Currituck and Pasquotank which had instructed their delegates to "express the highest disapprobation of the Suffolk resolves" and to confine themselves strictly to constitutional opposition.² A newspaper controversy in the Virginia Gazette followed, in which McKnight insinuated that there had been "fruitless attempts to stimulate the people in these counties to tar, feather and burn me together with my property;" and he adds, "I withdrew from a body where freedom of sentiment was disagreeable to great numbers.... on my withdrawing I was censured as an enemy to American Liberty..."³ Six months afterward, he fled to Dunmore, abandoning property estimated at £30,000.⁴

Joseph Hewes wrote from Philadelphia, May 11, 1775: "I tremble for N. Carolina; every County ought to have at least one Company formed and exercised;"⁵ and again in June the delegates urged: "North Carolina alone remains an inactive Spectator of this general defensive Armament."⁶ Nevertheless, the issue was now sharply drawn and the Whig party had easily established its dominance. "The Board have been afraid to take a becoming part," wrote Martin, "I firmly believe from apprehensions of personal injury and insult."⁷ In the first test, the Whigs had shown formidable strength. They were experienced politicians and ^{had} the momentum gained by many years of successful opposition. The Loyalists were without leaders, were unorganized and passive. Personal leadership was an important factor, and at this point the Whigs were vastly superior.

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- 1 C.R. IX., 1181, 1184.
- 2 C.R. X., 655.
- 3 C.R. X., 34, 37.
- 4 C.R. X., 656.
- 5 C.R. IX., 1247.
- 6 C.R. X., 21.
- 7 C.R. X., 47.

II.
THE WHIG PROVISIONAL GOVERNMENT AND LOYALIST ACTIVITY,
1774-1776.

The two years prior to November 12, 1776 were important not only in the inauguration of policies but also in the deciding of events. This date marks the assembling of the Constitutional Convention and the end of the activity of the Committees of Safety.¹ The mission of the Committees was to govern the country and to launch the Revolution. Incidentally, they brought about sharper party differentiations and an awakened opposition; they initiated processes of coercion which led to persecutions, enmities, retaliation and civil war.

The first Provincial Congress, meeting August 25, 1774, voted "That a Committee of five persons be chosen in each County by such persons as accede to this association to take effectual care that these Resolves be properly observed" and to correspond with the Provincial Committees of Correspondence.² In the Fall of 1774, Committees, some of one hundred members, were meeting in the counties of Rowan, Pitt, Johnston, Craven, Chowan, Halifax, and the town of Wilmington.³ They were active in enforcing the Association and in conserving the resources of the province.⁴ The second Congress, which met April 8, 1775, made no change in the Whig machinery,⁵ but the third, called together August 20, 1775, a month after the flight of Martin, organized a more regular and dependable provisional government.⁶ It provided for a central Council to consist of thirteen elected members, two from each of the six districts and one at large, six district Committees of Safety of thirteen members each, county Committees of twenty-one members each, and Committees of fifteen members each for the towns of Edenton, Newbern, and Wilmington.⁷ This system was not strictly followed in practice. Unauthorized committees continued to meet and to act on their own responsibility.⁸ Those of different jurisdictions met together, and some counties never elected committees at all.⁹

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1 In my discussion of the provisional government, I have used Sikes, Transition, J. E. O. Studies, 1898, 42-50, and Whitaker, Provincial Council and Committees of Safety in North Carolina, N. C. Hist. Soc. Publ., No. 8, 1-6, 46-48. These monographs are based on the Colonial Records, and I have verified their citations.

2 C.R. IX., 1047.

3 C.R. IX., 1079, 1081, 1098, 1101; X., 37, 422.

4 Sikes, 44n.

5 C.R. IX., 1178ff.

6 C.R. X., 175ff.

7 Ibid.

8 Whitaker, 2; Sikes, 48, 50.

9 Ibid.

The primary purpose of the Committees was to provide the Whigs with executive organs capable of accelerating unification and securing effective party expression.¹ The Non-intercourse Agreement, as well as many subsequent acts, was a party measure, and, executed by force, was revolutionary. A resolution of the Rowan Committee of Safety, September 28, 1774, is typical: "That the People of this county will break off all Trade, Commerce and Dealing, and will not maintain the least Trade, dealing, or Inter-course with any person or persons.... who shall refuse, decline or neglect to carry into execution the Resolves (of the Provincial Congress).... and those who offend herein shall be deemed Enemies to their country, and treated accordingly."² Numbers who were not to be in sympathy with the Revolution were speedily drawn into the net by this aggressive action. John and Will Kelly acknowledged that they had "infringed the Provincial Resolves" by selling powder for 10s per pound. Thereupon, it was voted "That any person who shall sell or buy powder for more than 5s shall be deemed an Enemy to his Country, and treated accordingly."³ This day also began the tribulations of the Salisbury lawyers, John Dunn and Benjamin Booth Foote. They had been bold enough to compose, publish and sign an "Advertisement" and a "Protest". After a perusal of these documents, the Committee resolved "That the said advertisement contains sundry allegations altogether false, scandalous, wicked and impertinent," and that the Protest "is in the highest degree false and contemptible and even bordering upon blasphemy," and further "That a copy of the above Resolves.... be put up against the two posts of the Gallows and the whipping post to demonstrate the contempt in which the Committee hold the authors of so infamous a performance."⁴ The Rowan Committee was taking advanced ground. In the Autumn of 1774, no other committee equalled it in energy or rhetoric.⁵

As time passed, violations of the Association were chiefly confined to the Loyalists. In December, 1774, John Slingsby, a Tory Colonel in 1781, was in trouble with the Wilmington Committee over certain importations; but three months later he found it desirable to sign the Association.⁶ In Wilmington, in March, 1775, seven merchants, one planter, two tailors, and a doctor refused to approve non-importation; and the Committee pronounced them "unworthy of the rights of freemen and as inimical to the liberties of their country."⁷ Six days later, all of them except the two tailors

1 C.R. IX., 1047.

2 C.R. IX., 1072.

3 C.R. IX., 1074.

4 C.R. IX., 1074-1075. Van Tyne (Loyalists, 137-138) says that Dunn's persecution was probably due to personal spite on the part of an official who had missed being elected a delegate because of Dunn's efforts. This is interesting, if true.

5 Cf. Whitaker, 31.

6 C.R. IX., 1096.

7 C.R. IX., 1152.

8 Ibid.

and one of the merchants repented and signed¹

Martin, in his address to the last Assembly, mentioned among other subjects of alarm "the meetings to which the people have been excited, the appointment of Committees; the influences these little, unrestrained and arbitrary Tribunals have done to the rights of His Majesty's Subjects."² But the Governor's denunciations and appeals were of no avail. May 24, he fled to Fort Johnston.³ The Continental Congress, June 26, urged general Whig association.⁴ This advice, with Martin's proclamations, stimulated the Committees to greater activity.⁵ The phraseology of the movement changed. The "common cause" became the "liberties of America";⁶ and "inimical" persons became the "disaffected" and "Tories", the latter epithet being the latest to appear and the lowest in the scale of contempt.⁷

The Committees grew more arbitrary and violent. In July, Benjamin Booth Boote refused to surrender certain letters that he was said to have received from Governor Martin. The Committee "Resolved, in consequence whereof that Wm. Temple Coles be Captain of the Youth in Salisbury to guard the House of Ben. B. Boote and that they prevent the conveyance of all sustenance to him until he deliver up the aforesaid letters".⁸ In July, the Tories of Anson County were being intimidated by violences to their persons and property.⁹ In August, the Committees were compelling the attendance of Loyalists, and those particularly obnoxious were being disarmed,¹⁰ imprisoned, and deported.

The third Provincial Congress, besides examining a large number of Tories, made important improvements in the Whig machinery.¹¹ It abolished the District Committees and added a central Provincial Council, this body to "continue during the recess of the Congress" and its proceedings "to be laid before the Congress for their Inspection."¹² To facilitate dealing with Tories, each Town and County Committee was directed to elect a Committee of Secrecy, Intelligence and Observation which should "have power to take up and Examine all suspected Persons, and if necessary, send them to the provincial Council or the Committees of Safety for their respective districts".¹³

Another clause, seemingly innocent on its face, provided for the dis-

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1 C.R. IX., 1166.

2 C.R. IX., 1190.

3 C.R. IX., Pref. Notes, IV.

4 C.R. X., 40.

5 C.R. X., 54, 87.

6 Cf. C.R. IX., 1079 with C.R. X., 139.

7 Cf. C.R. IX., 1152 with C.R. X., 86.

8 C.R. X., 73.

9 C.R. X., 93.

10 Infra.

11 C.R. X., 208-214.

12 C.R. X., 210.

13 C.R. X., 213-214.

The Congress in this case authorized something that already existed. There was a "Committee of Intelligence" in Wilmington, July 7, 1775. C.R. X., 72.

franchisement of a large number of Tories. In the election of Committee-men and delegates every freeholder was to have a vote, except in the Granville Grant, comprising the counties of Bute, Granville, Wake, Chatham, Orange, Guilford, Rowan, Surry, and a part of Mecklenburg, where the vote was given to "householders.... who have improved lands in possession, except such as hold land by lease for years or at Will, from or under any Freeholder."¹ This clause disfranchised many of the Highlanders who were in the majority in some of those counties.²

After the adjournment of the third Congress, the action of the Whigs evidences an increasing self-assurance. The Rowan Committee, November 8, 1775, gave Jacob Beck two days to fix his political sentiments. At the end of the period of grace, "Capt. David Smith returned with the body of Jacob Beck" and "from his notorious contempt of this Committee and Opposition to American Measures, Resolved, That he be immediately committed to gaol...."³ The brevity and dispatch of this business argues that in Rowan County at least the Whigs were firm in the saddle. In the Winter of 1775-1776, the North Carolina Whigs felt so sure of themselves that they sent 900 militia to assist in suppressing a Tory insurrection in South Carolina.⁴

There was certainly provocation enough for the Tory to resist and retaliate. We sometimes forget that the Whigs were the aggressors, the "disaffected", the disturbers of established institutions; while the Loyalists were the upholders of the ancient order, who, provoked by a rebellion, had to assume the difficult role of rising, vindicating the law, and restoring the constitutional government. Loyalists in arms were not insurrectionists; though, on account of the transformation that had taken place, they appear in that light.

During 1774, while the Whigs were active, the Loyalists were passive. Frequently, like the merchants of Wilmington, they failed to respect the Association, but experiencing the consequences, a majority of them subscribed.⁵ Some, like Dunn and Boote, put their discontent in writing.⁶ Others, like Andrew Miller and Archibald Neilson, were, in their letters, exchanging Loyalist views and calling the Whigs "hypocrites and traitors".⁷ At this time, they were waiting for the storm to blow over. The Governor

1 C.R. X., 211.

2 Sikes, Transition, 50. In Onslow County there was a miscarriage, and some persons with Tory sentiments were chosen; for in the minutes of the Provincial Council we read that the elections in that county were "unduly made and that the Committee so unduly Elected have refused to subscribe the Test." It was therefore resolved to hold a new election. C.S. X., 355.

3 C.R. XI., 264, 269.

4 C.R. X., 226.

5 Ante.

6 Ante.

7 C.R. IX., 1116-1117.

was still at Newbern, and the royal power still seemed worthy of respect.

But, in 1775, the growing arbitrariness of the Committees and the evident helplessness of the Governor alarmed and aroused the Loyalists. Nineteen inhabitants of Dobbs County, February 20, petitioned Martin "to let us know what our King's Laws is.... whether we pay our taxes to uphold his Crown or to beat it down, for we are certain if the blind lead the blind they will both fall into the ditch."¹ In his letter to Dartmouth of March 10, Martin enclosed three loyal addresses, and added, "I have every reason to flatter myself that the good Spirit they breathe is spreading and diffusing itself fast in the Western Counties which are by far the most populous part of the Province."² Five days later, he expressed "no doubt" that the western counties would "generally unite in the support of Government."³ He wrote, May 18, that loyal declarations had been signed by 1400 or 1500 men.⁴ The only addresses recorded are one from Dobbs with nineteen signatures, one from Anson with 227, one from Guilford with 117, one from Rowan and Surry with 195; and, late in the Summer, one from a body of Germans in Mecklenburg County.⁵ These addresses were all of much the same tenor; but there are interesting and significant phrases in each. The Guilford people avowed that they were "before an unhappy people, lying under the reflection of the late unhappy insurrection" and "have taken this opportunity to show forth our loyalty to his Majesty." The statement of the Anson, Rowan, and Surry Loyalists shows the influence of the near-by belligerent Committees of Charlotte and Salisbury. They expressed their "disapprobation and abhorrence of the many lawless combinations and unwarrantable practices actually carrying on by a gross tribe of infatuated anti-Monarchists," and "we utterly protest against meetings of people against the peace (of the province) or anything which may give birth to sedition and insurrection."⁶ The Surry Committee seemed to recognize the reactionary objective nature of these addresses when they called them "certain papers by the name of Protests."⁷

Encouraged by these communications, Martin began to plan in March and April for the raising of a military force among the Regulators⁸ and the Highlanders.⁹ He asked Dartmouth for arms to distribute among the Loyalists, and expressed a desire to be restored to his former military rank.¹⁰

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1 C.R. IX., 1127.

2 C.R. IX., 1157.

3 C.R. IX., 1167.

4 C.R. IX., 1256. Cf. Van Tyne, Loyalists, 96.

5 C.R. IX., 1160-1161; X., 281. Frothingham (Rise of the Republic, 1890 ed., 502n) makes the statement that Martin received 227 "loyal addresses" in Anson, 116 in Guilford, 195 in Rowan and Surry, implying that he had received 538 petitions, each signed probably by a number of Loyalists. This misleading statement has been followed by other writers.

6 C.R. IX., 1160-1161.

7 C.R. X., 222.

8 C.R. IX., 1228.

9 C.R. IX., 1167.

10 C.R. IX., 1174.

In return, the Governor was urged to form associations of Loyalists in the western counties and to "hold out to Gentlemen of Interest and leading amongst them assurances of His Majesty's Favor" in the granting of commissions.¹

In the shelter of Fort Johnston, June 16, Martin issued a proclamation denouncing the Whig "incendiaries".² Two days later, he took refuge on the Cruzier³ and at once became more explicit in his forecasts and requests. He had asked Gage for assistance; and, with these aids, he was convinced that he could not only subdue North Carolina and South Carolina but could also hold Virginia in awe. He estimated that the "well-affected" would include at least two-thirds of the fighting men of the whole country. He wanted to raise a battalion of 1000 Highlanders; and, incidentally, wished the Lieutenant-Colonelcy for himself.⁴ He had already written to New York for a royal standard,⁵ and was corresponding with leading Tories in the interior.⁶

In July, the Whigs intercepted letters and learned of Martin's plans.⁷ The Craven and the Wilmington Committees forbade communication with the Governor without permission.⁸ The attack upon Fort Johnston was prompted by the belief that its commandant⁹ was preparing it to receive reinforcements with which to subdue the Whigs. McDonald and MacLeod, two prospective Loyalists leaders, arrived from New York, and, eluding the vigilant Committees, went into the interior.¹⁰ August 8, Martin issued another long proclamation, bristling with adjectives and denunciations, especially intended to hold in line the Tories in the West.¹¹ He mentioned particularly the inhabitants of Dobbs, Cumberland, Anson, Orange, Guilford, Chat-ham, Rowan, and Surry, "who have given me more expecial and public testimonials of their loyalty, fidelity, and duty", assuring them of his support and urging them to resistance.¹²

In the meantime, the report of a projected negro insurrection gained considerable currency. The attitude of the negroes was extremely pertinent.¹³ The North Carolina delegates in the Continental Congress

¹ C.R. IX., 1241.

² C.R. IX., Pref. Notes, IV.

³ C.R. X., 17.

⁴ C.R. IX., Pref. Notes, IV.

⁵ C.R. X., 45-47.

⁶ C.R. X., 16.

⁷ C.R. X., 98.

⁸ To James Cotton of Anson County he wrote: "You and the other friends of Government have only to stand your ground firmly, and unite against the seditious as they do against you; in firm assurance that you will be soon and effectually supported." C.R. X., 119.

⁹ C.R. X., 16, 65, 87, 124.

¹⁰ C.R. X., 139.

¹¹ C.R. X., 117.

¹² C.R. X., 141-151.

¹³ C.R. X., 146.

¹⁴ Reported negro insurrections were common. Even in Connecticut, there was fear of a negro rising and negro alliance with the British. Gilbert, Connecticut Loyalists, 284.

wrote June 19, 1775, "Have you not Fellow Citizens a dangerous Enemy in your own Bosom" and do you think the Ministry "would hesitate to raise the hand of the servant against the master?"¹ The Wilmington Committee took steps to disarm the negroes June 21;² and Martin was freely charged with inciting the slaves to insurrection,³ an accusation which he promptly and indignantly denied, calling it in his letters to Dartmouth "a most infamous report."⁴ The Pitt Committee gave the patrols discretionary power "to shoot any Number of Negroes above four, who are off their Masters Plantations and will not submit."⁵ In the first two weeks of July, gossip became more tangible; and, after listening to the confessions of two slaves, the Committee announced "a deep laid Horrid Trajick Plan laid for destroying the inhabitants of this province."⁶ 250 negroes, so the report ran,⁷ had been pursued for several days, but none had been taken or even seen. The author of the alarm was finally found to be a negro wench, who forthwith "received severe correction."⁸ The whole rumor seems to have had little basis in fact.⁹ The Whigs probably kept alive and exaggerated the report for its political effect.¹⁰ The contention that the British and Tories were attempting to use the negroes persisted through the Revolution.¹¹ As a matter of fact, the negroes were seemingly inclined to attach themselves, when they could, to the British side.¹²

Martin continued to send encouraging reports across the Atlantic, and caused pamphlets to be distributed in the loyal counties.¹³ The Whigs, however, were extraordinarily alert, and laid plans not only to capture McDonald and Macleod¹⁴ but to lay hands on Martin himself should he set foot on the mainland.¹⁵ Whig energy seemed to be bearing fruit. In August, many of the "protestors" recanted.¹⁶ The Governor found it impossible to

1 C.R. X., 21.

2 C.R. X., 26.

3 C.R. X., 91, 102, 112, 114, 128a, 139, 140.

4 C.R. X., 48, 104, 122.

5 C.R. X., 37.

6 C.R. X., 24.

7 Ibid.

8 Ibid.

9 The Committee reported, however, that in disarming the negroes they found considerable ammunition. C.R. X., 95. It seems peculiar that the Whigs, who would not allow negro testimony in their courts, should so readily have accepted it in this case. There were no signs of a negro outbreak later when one would have been more probable. Cf. Ashe, North Carolina, I., 435-6.

10 Weeks, Slavery and Servitude, 62. "As nothing can be more alarming to the Carolinas than the Idea of an attack from Indians and Negroes, the leaders of the disaffected Parties easily carried into execution their plan of arming the People." John Stuart to Dartmouth, July 21, 1775. C.R. X., 118. The scribe of the Whig Committee humorously called the plot "a crime of so horrid and truly black a complexion." C.R. X., 128a.

11 C.R. X., 312, 903; XIII., 639, 660.

12 Stedman, History, II., 217n; C.R. XIV., 752; XVI., 76, 77; Tompkins, Mecklenburg County, I., 86.

13 C.R. X., 360.

14 C.R. X., 117.

15 C.R. X., 124.

16 C.R. X., 182, 204.

keep up any intelligent communication with the interior. Some of his messengers proved unreliable;¹ others were detained, searched, and stripped of their papers.² The loyal Scotch merchants at Wilmington were compelled to appear under arms at the musters, "although they are still at heart as well affected as ever."³ In the middle of September, Martin wrote: "The spirits of the loyal and well affected to Government droop and decline daily; they despair.... of succour and support, and.... they indignantly and reluctantly yield."⁴ Dartmouth was writing at about the same time, "I think you are too sanguine in your expectations."⁵ A month later the Governor reported that he could see no possibility of a turn in the tide in favor of the government.⁶

Nevertheless, there had been some events, which, if news travelled to the Cruzier, must have encouraged the refugees. A Whig delegation had visited the Regulators, and had not been signally successful.⁷ Some Whig missionaries to the Forks of the Yadkin pursued a fruitless quest, the people "either through disaffection" or neglect failing to appear.⁸ The people of "Hanover" County publicly protested "against the proceedings of the late Congress."⁹ Martin learned that in the Provincial Congress measures for raising troops had met with opposition from the western counties; but he was forced to add that the opposition was only to the numbers to be raised and not to the mobilization itself.¹⁰ In October, Alexander MacLeod visited him, and reported that he and his father-in-law, Allan McDonald, had each raised a corps of Highlanders.¹¹ Martin was again ready in November to declare that he believed that the loyal "infinitely outnumbered seditions."¹²

The Governor's optimistic despatches produced a distinct effect. The King wrote, October 16: "I am clear the first attempt should be made on North Carolina, as the Highland settlers are said to be well inclined; they ought to be offered grants of land.... to be looked on as provincial corps, whilst employed to have the same pay as the regular troops."¹³ Dartmouth announced, November 7, that troops would be sent, and that emissaries should arouse the western counties and assure the Loyalists that they would not be obliged to serve out of the province.¹⁴

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1 C.R. X., 488, 492.

3 C.R. X., 286.

5 C.R. X., 248.

7 C.R. X., 169, 243.

9 C.R. X., 298.

10 C.R. X., 265.

11 C.R. X., 225.

12 Ibid.

13 George III to Lord North, Oct. 16, 1775. Correspondence of George III, I., 276.

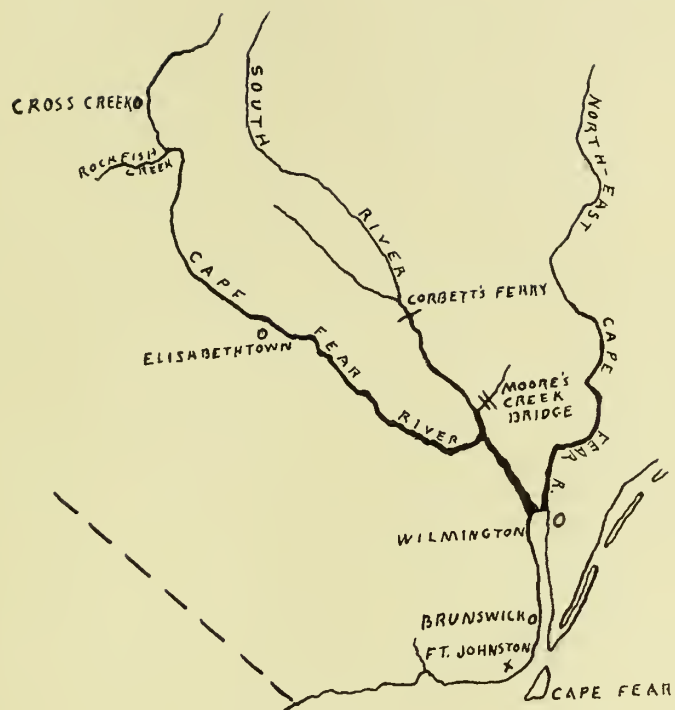
14 Dartmouth to Martin, Nov. 7, 1775. C.R. X., 307, 308. See, also, Germain to Eden, Dec. 23, 1775, quoted in Frothingham, *Rise of the Republic* (1890 ed) 502n.

2 C.R. X., 231.

4 C.R. X., 244.

6 C.R. X., 270.

8 C.R. X., 282, 310.



THE LOWER CAPE FEAR:

REGION OF LOYALIST MOVEMENT
OF FEBRUARY, 1776.

In his proclamation of January 10, 1776, which was the cue for the Tories to take the stage, Martin enjoined "His Majesty's faithful subjects forthwith to repair to the Royal Standard", promising forgiveness for all past offences "even admitting they had taken up arms."¹ Simultaneously, he issued commissions to the following: Allan McDonald, Donald McDonald, Alexander MacLeod, Donald MacLeod, Alexander McLean, Allen Stewart, William Campbell, Alexander McDonald, and Neil McArthur, of the counties of Cumberland and Anson; John Pile, of Chatham; William Fields, James Hunter, Robert Fields, Jeremiah Fields, and Saymour York, of Guilford; Michael Holt and James Monroe, of Orange; Paul Barringer, of Mecklenburg; William Spurgin, William Bryan, Samuel Bryan, and Matthias Sappinfield, of Rowan; Gideon Wright and James Glyn, of Surry; Philemon Hawkins, Sr. and Philemon Hawkins, Jr., of Bute. They were directed to reach Brunswick February 15.²

During the first week in February, Brigadier-General Donald McDonald erected the Royal Standard at Cross Creek, and issued a manifesto calling on the Loyalists to concentrate.³ The Tory chieftains, gathering bodies numbering from seven to eighty, rendezvoused at Cross Creek, and promptly began the march to Wilmington. On the road, they unhesitatingly rejected a proffered oath of allegiance with its accompanying promise of pardon.⁴

The details of the petty campaign which followed need not detain us. The Whigs assembled an overwhelming force, proving their unity, their enthusiasm, and the efficiency of their organization and leadership. February 27, the Tories reached the bridge over Moore's Creek on the road to Wilmington. Half-armed, undisciplined, their general ill and absent, they tumbled into a Whig ambush, and, in three minutes, were totally routed.⁵ Two of their officers and an uncertain number of the rank and file were killed. The Whigs lost only two wounded.⁶

The paucity of numbers in this initial rising, in comparison with the territory involved, illustrates the lack of organization and leadership in the Loyalist party.

A Whig detachment of 1000 men was considered sufficiently strong to seize the arms, stores and persons of those who had taken part in the rising. 101 Loyalist leaders were lodged in Halifax jail.⁷ A committee of inquiry appointed by the Provincial Congress estimated that 33 of the

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1 C.R. X., 397.

2 C.R. X., 441. Martin included the names of three Whigs, Paul Barringer, Philemon Hawkins, Sr., and Philemon Hawkins, Jr., the last-named being a member of the Provincial Congress in 1776. Cooke, *Revolutionary History*, 101; Tompkins, *Mecklenburg County*, II., 66; C.R. X., 500, 523. Martin's reason for doing this is problematical.

3 Sikes, *Transition*, 56.

4 C.R. X., 444, 452, 602.

5 C.R. XI., 278-9.

6 C.R. X., 482; XI., 280, 283-285, 290.

7 C.R. X., 482, 490; XI., 280, 285. Gen. Moore estimated the Tory loss at 70; Martin stated that they lost MacLeod and "near 20 men killed".

8 C.R. X., 465; XI., 285.

9 C.R. X., 595-603.

prisoners had led an aggregate of 1242; besides three "divisions", the numbers in which are not given.¹ A large number of common soldiers, according to one report 850, had also been captured;² but these, of course, had not been imprisoned. In their scouring of the country, the Whigs doubtless seized and paroled a number who had not taken arms. According to Martin's account, which is, of course, more or less untrustworthy, the Loyalists gathered at Cross Creek numbered 700 or 800 Regulators and 600 Highlanders; but at the time of the battle there had been so many desertions that only 100 "country people" accompanied the 600 faithful Highlanders.³ General McDonald estimated his army at 1500 or 1600;⁴ General Moore placed the Tory force at 1400 or 1500.⁵ The truth probably lies between the latter estimate and that of Governor Martin, or, approximately, 1000.⁶ Making reasonable deductions, this agrees roughly with the report of the committee of inquiry.⁷

This meager force had been drawn from a considerable territory. In assigning commissions, Martin included the counties of Cumberland, Anson, Chatham, Guilford, Orange, Mecklenburg, Rowan, Surry and Bute.⁸ In the list of prisoners at Halifax were represented Cumberland, Bladen, Anson, New Hanover, Guilford, Rowan, Chatham and Orange. Inasmuch as the rendezvous was in Cumberland County, it is fair to conclude that that county furnished a large proportion of the Tory force. Probably the remainder was largely from Anson, Guilford, Orange, Chatham, and upper Bladen. This territory comprised not only the chief Highland settlements but also the heart of the Regulator country.⁹

The list of Tory prisoners contained no names of persons who, by reason of reputation and position, could expect to exercise a wide influence. In this early rising, North Carolina had no Galloway, De Lancey, or Ruggles; no one whose former prominence could commend him as a substantial leader or adviser. Farquhar Campbell, Thomas Rutherford and James Hepburn were in the Tory ranks;¹⁰ but they were insignificant in influence compared with men like Harnett, Hooper, Caswell, and Moore. The McDonalds and MacLeods could hardly hope to attract a following outside their clans. The Pileases and Fieldses were localized by their prominence in the Regulation. Of the 94 leaders who resided in North Carolina only 33 were freeholders.¹¹ Thus, at the outset, the lack of capable leaders explains

1 C.R. X., 595-603.

2 C.R. X., 601-603.

3 C.R. X., 485.

4 C.R. X., 490-491.

5 C.R. X., 482.

6 C.R. XI., 233.

7 C.R. X., 485.

8 See Sabine, *American Loyalists*, passim.

9 Ante, Chapter I.

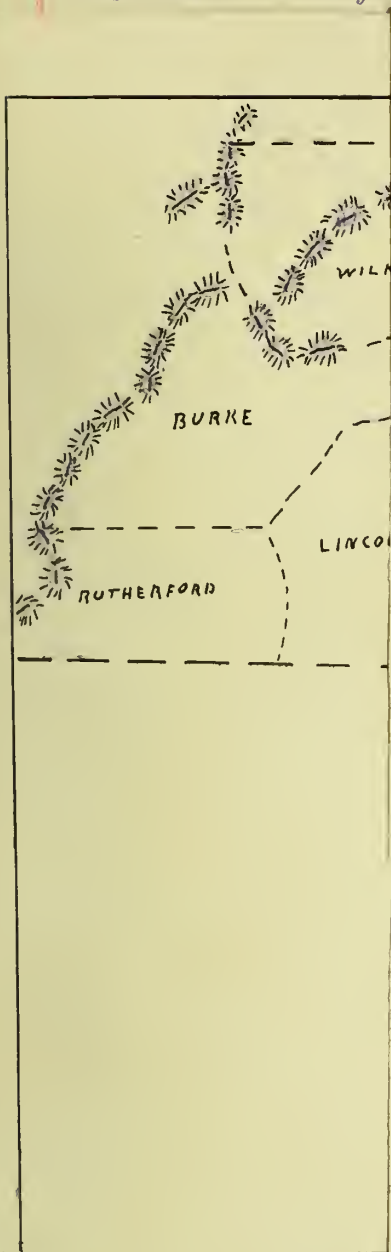
10 Sabine, *American Loyalists*.

11 C.R. X., 595-603.

Of. Van Tyne, *American Revolution*, Am. Nation, IX., 23.

largely why the actual Tory force fell short of Martin's confident forecasts.¹

The blame for the disaster did not rest wholly upon Martin and the Loyalists. They had reason to expect Sir Henry Clinton and Sir Peter



² The attitude of the Highlanders toward Martin in 1780 showed that they did not distrust his leadership. *Infra.*

³ C.R. X., 483.

⁴ Van Tyne, *Loyalists*, 97; C.R. XI., 280.

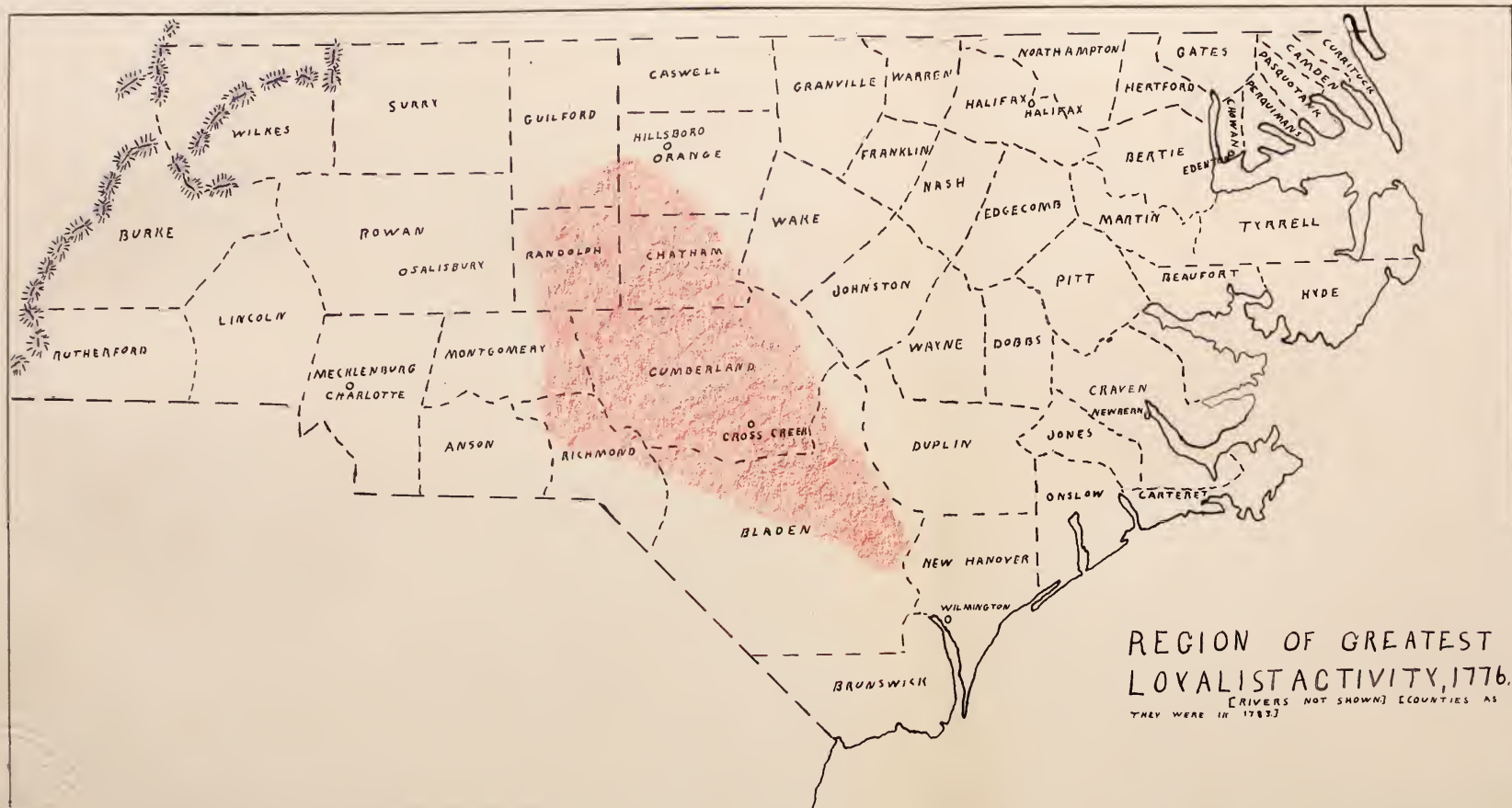
⁵ C.R. XI., 285.

⁶ C.R. X., 805.

⁷ C.R. X., 666.

⁸ C.R. X., 619.

⁹ "Notwithstanding this scouring and the just contempt of our fellow-citizens, we remained in heart as still Tories as ever." Extract from a Revolutionary Journal by Hugh McDonald, in C.R. XI., 329. See, also, C.R., X., 611; XI., 299.



largely why the actual Tory force fell short of Martin's confident forecasts.¹

The blame for the disaster did not rest wholly upon Martin and the Loyalists. They had reason to expect Sir Henry Clinton and Sir Peter Parker to reach the Cape Fear in time to co-operate. It was a campaign that required a perfect understanding and the nicest timing. The organization and energy of the Whigs, the impossibility of communicating with the interior, the lack of Tory leadership, the dilatory operations of the British, were circumstances that foredoomed the plan to failure.²

During the two weeks following the battle, the Whigs collected a considerable amount of military stores probably sent from England. Among these were two medicine chests, one valued at £300, and a "box containing half Joaneses and Guineas" reported worth £15,000, which had been secreted in a stable at Cross Creek.³

The battle was decisive. It showed that, without outside help, the Loyalists could not regain the control of the province. "Its moral effect was immense."⁴ Whig congratulated Whig; and all agreed that it would "put an effectual check to toryism in this country."⁵ One Whig wrote: "It is inconceivable to imagine what joy this event has diffused through this Province."⁶ William Hooper thought that the "crimes" of the Tories had "produced an abject contrition, and some of them are humbled so low as to merit rather pity than resentment. From within ourselves, then, little is to be feared."⁷ The Council of Safety voted in June that those "Malcontents" who would take the Oath would "be permitted to return to their respective habitations unmolested."⁸ James Davis wrote the Council in July that this resolve and the repulse of the British at Charleston had produced a great effect. "They are flocking in to sign the Test & Association."⁹ Moreover, Governor Martin departed with the British fleet, removing the last symbol of royal authority around which the Tories might rally.

Nevertheless, the success of the Whigs did not recreate a peaceful or a united province. The Loyalists were cowed but not converted.¹⁰ Throughout 1776, the parties of Light Horse commissioned by the Council or

1 Martin urged, however, that even this small force could have succeeded, "if they had been conducted with a little more prudence." C.R. X., 735.

2 The attitude of the Highlanders toward Martin in 1780 showed that they did not distrust his leadership. Infra.

3 C.R. X., 485.

4 Van Tyne, Loyalists, 97; C.R. XI., 280.

5 C.R. XI., 285.

6 C.R. XI., 286.

7 C.R. X., 905.

8 C.R. X., 619.

9 C.R. X., 606.

10 "Notwithstanding this scouring and the just contempt of our fellow-citizens, we remained in heart as still Tories as ever." Extract from a Revolutionary Journal by Hugh McDonald, in C.R. XI., 329. See, also, C.R., X., 611; XI., 299.

Safety and the local Committees found it difficult to keep order. During the Summer, while still elated over their triumph, leading Whigs were of the opinion that the Tories were still numerous and to be reckoned with.¹ One correspondent of the Council of Safety wrote that certain Tories were "privately" killing "zealous Whigs" and that he had to keep closely concealed "to prevent their Slipping a Ball thro' him."² Another reported that Loyalists were gathering on Drowning Creek and threatening Anson County.³ Disturbances in Guilford County led the Council to direct Col. Folsom to keep his force of Light Horse full "as there is Cause to suspect the Tories of evil Designs."⁴ Appeals for an armed force to use against the Loyalists came also from Chatham and Bladen. In Chatham, a gang used "Hickory Switches" on one obnoxious Whig; and another Whig was robbed of two guns "by a party of 20 or 30 armed men, some of whose Faces were blacked, and others with Handkerchiefs tied over them."⁵

War with the Cherokees broke out in July of 1776; and the Whigs, expecting that the Tories would assist the Indians, early took steps to meet the danger.⁶ Henry Stuart and Alexander Cameron, agents of the British Government, endeavored to secure white allies for the Indians.⁷ Cameron corresponded with North Carolina Loyalists and sent emissaries among them. Nevertheless, the Tories seem to have disappointed both the fears of the Whigs and the hopes of the British. General Rutherford captured only seven white men.¹⁰ No organized bodies of Tories acted with the Indians.¹¹ But many fled to the Indian villages during the war, and laid themselves open to the charge of inciting Indian aggression.¹²

Many Loyalists, living in counties that were strongly Whig, were forced into either a miserable or a temporizing existence. With the attempts to raise a Revolutionary army, however; they could scarcely compromise. Richard Caswell early feared that some would "start objections to the enrolling of Companies and exercising the men."¹³ The Tories not only "objected" but tried various other obstructive tactics. Some used their personal influence to prevent recruiting;¹⁴ many refused to attend the musters;¹⁵ others enrolled in the militia, "but when the day of trial came they shrunk back."¹⁶ Some were forced "greatly against their inclinations

1 C.R. X., 611; XI., 299.

3 C.R. X., 669-670.

5 C.R. X., 934-935.

6 C.R. X., 609-610, 651, 730, 732; XI., 344, 372; Roosevelt, Winning of the West, I., 303.

7 C.R. X., 894.

9 C.R. X., 725, 730.

10 C.R. X., 861; Roosevelt, Winning of the West, I., 302-303; Hist. Mag., Oct., 1867.

11 Roosevelt, Winning of the West, I., 232, 298, 296.

12 C.E. XIV., 246; XVI., 692.

13 C.R. IX., 1250.

14 C.R. X., 78; XV., 637.

15 C.R. X., 703.

16 C.R. X., 467.

2 C.R. X., 664.

4 C.R. X., 727; XI., 335, 342, 348.

8 C.R. X., 609-10, 771; XII., 5.

to work at the breast-works."¹

The Loyalist activity of the transitional period was defensive and retaliatory, provoked by revolutionary innovations. Industrious encouraged by Governor Martin, Loyalism at first seemed to possess formidable strength; but most of its manifestations were sporadic and ineffective. The one movement of size and promise was decisively defeated in February, 1776, by a combination of Whig efficiency with Loyalist and British unpreparedness. After this, the only policy open to the intelligent Loyalist was either to leave the province or to wait for the coming of the British.

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1 C.R. X., 467.

III.
ANTI-TORY MEASURES DURING THE TRANSITIONAL PERIOD,
1775-1776.

To the various measures used against the Loyalists it is impossible to assign a logical sequence or a definite relationship. The Whigs had no precedents to follow or settled rules to observe. With masterful inconsistency they over-rode technicalities and abstract rights. When one measure failed, they tried another, during the first two years of the Revolution running practically the whole gamut.¹

With the meeting of the Constitutional Convention, November 12, 1776, anti-Tory measures received a somewhat different justification and interpretation, with a legalized and, for a time, a more regular execution. During the transitional period, the administrative machinery consisted of Committees of Safety, already noticed, five Provincial Congresses, the last being the Constitutional Convention, three sessions of the Provincial Council, and six sessions of the Council of Safety.² The Congresses and the Councils had a wider jurisdiction than the Committees; otherwise, the three bodies were much the same.

The Whigs early took steps to insulate the Loyalist. Governor Martin appeared to be a dangerous source of disaffection; hence, early in July, 1775, the Craven and Wilmington Committees forbade correspondence with him.³ Arrivals in the province, suspected of being British agents, were closely watched and, if possible, secured.⁴ In August, persons communicating with Martin were "deemed enemies to the liberties of America."⁵

Tory doctrines in speech and press were industriously suppressed. Martin's proclamation of June 16 was an effort "to blind, mislead and delude the people",⁶ and his "Tory Pamphlets" were "wicked and diabolical stratagems."⁷ The Whigs looked askance at flags of truce as they were said to be means of bringing in "seditious papers in order to distribute them amongst the people."⁸ Charged with writing a paper of two sheets, signed "A Lawyer" and address "To those who have a true sense of distributive justice and untrammelled liberty", Dr. Fallon, of Wilmington, was put in jail; and, while he was "not precluded from the use of pen, ink and paper", anything that he might write was to be censured carefully by the commanding offi-

¹ I propose to reserve the subject of confiscation for separate treatment in a later chapter.

² See Whitaker, Provincial Council and Committees of Safety, passim.

³ C.R. X., 87, 124, 281,

⁴ C.R. X., 117.

⁵ C.R. X., 139.

⁶ C.R. X., 29.

⁷ C.R. X., 360.

⁸ C.R. XIII., 271.

cer.¹

Free speech, when it showed "a tendency to spread sedition", was rigorously silenced.² For saying that "he wished the time would happen this Instant, but was sure the Americans would be subdued by the month of August", William Bourk was committed to "close gaol".³

The Whigs, on the other hand, did not neglect persuasion and argument in advancing their own cause. Whig delegations were sent to confer with backward neighborhoods,⁴ or to minimize the effect of specific Tory efforts.⁵ A committee met the Highland immigrants,⁶ and another conferred with the Regulators.⁷ These "deputies on mission" were not eminently successful.⁸

In their attempts to convert their opponents, the Whigs freely appealed to religious sympathies. In July, 1775, the "Dutch" Lutherans and Calvinists of Philadelphia, who "were all staunch in our cause", wrote to their brethren in North Carolina;⁹ and the Presbyterian ministers in Philadelphia warned the Southern congregations, "If you now desert the cause of liberty.... we can have no fellowship with you."¹⁰ The Continental Congress went farther, sending, in the Autumn of 1775, two ministers of the gospel to visit the Regulators and the Highlanders.¹¹ The result of this missionary work is nowhere recorded; so it was probably not signally successful.

The Revolutionary leaders believed also in the power of the press. The Continental Congress recommended the Whigs "liberally to distribute among the people" the proceedings of Congress, "speeches of the great patriots in both houses of parliament, ... and such other pamphlets and papers as tend to elucidate the merits of the American cause."¹² Tory prisoners were given Whig sheets to read.¹³ Adam Boyd, printer of the Cape Fear Mercury, struck off 200 copies of an address to the Presbyterian ministers and congregations of North Carolina; and the expense of printing was probably borne by the Provincial Congress.¹⁴ The Mercury itself was a Whig organ and gave much space to the Revolutionary propaganda.¹⁵

When persuasion failed, the Whigs resorted to threats. Threats of confiscation and personal violence were early made.¹⁶

Communities where Revolutionary sentiment was strong socially ostracized its Tory members; and in Mecklenburg and Rowan Counties this form of

1 C.R. X., 410, 412. Also, case of William Clark. C.R. XI., 382.

2 C.R. IX., 1079; X., 826. 3 C.R. X., 471.

4 C.R. IX., 1079. 5 C.R. X., 27.

6 C.R. X., 178.

7 C.R. X., 169. For other delegations, see C.R. X., 293, 698.

8 C.R. X., 243, 310, 312, 434-435.

9 C.R. X., 86.

10 C.R. X., 86, 222, 227.

11 C.R. X., 338, 390; XXII., 515.

12 Journals of Congress (Ford ed), IV., 19.

13 C.R. X., 125-129.

14 "The Address was doubtless intended to counteract Toryism on the upper Cape Fear." Weeks, in Am. Hist. Ass'n Rept., 1895, 263.

15 C.R. X., 54; IX., 319.

16 C.R. X., 17, 27, 34, 38, 47, 129, 244, 656. Infra.

coercion went to amusing lengths. In January, 1776, the young ladies of those counties resolved that they would "not receive the address of any young gentleman.... except the brave volunteers who.... succeeded in subduing the Scovalite Insurgents. The ladies being of opinion that such persons as stay loitering at home when the important calls of the country demand their military services abroad, must certainly be destitute of that nobleness of sentiment, that brave and manly spirit, which would qualify them to be the defenders and guardians of the fair sex."¹ The Rowan Committee presented "their cordial thanks to the said young ladies for so spirited a performance."²

As a convenient and logical measure, the Oath, or, as it was commonly called, the Test, early commended itself to the Whigs. Its use involved little expense or trouble. Administered to a would-be neutral or a secret enemy, it had the merit either of branding the suspected person as an avowed Tory or rendering him helpless through the supposed efficacy of conscientious scruples. The Oath was at once a search-light and a white-wash: if it did not make a Whig, it would at least uncover a Tory. Under varying phraseology it was used constantly; and the North Carolina Whigs made no apologies for its employment.

The Association itself was the first "Test". The Continental Congress empowered the Committees to declare violators of the Association "objects of the resentment of the public."³ The Provincial Congress, September 9, 1775, resolved that the Committees of Secrecy, Intelligence and Observation should "have power to take up and Examine all suspected Persons, and if necessary, send them to the provincial Council or the Committees of Safety for their respective districts."⁴ The next Provincial Congress of April, 1776, appointed a Committee of Secrecy, Intelligence and Observation and gave it power "to send for, and enforce the attendance before them of all suspected persons, and to compel the attendance of witnesses; and to procure all such papers as may give information with respect to such offenders."⁵ The machinery of the Test was now in full operation.

The wording of the Test changed at different periods.⁶ For a time, as I have indicated, the use of the Association sufficed. The establishment of a Revolutionary government and the outbreak of hostilities demanded a more far-reaching statement. A Test was prepared by the Provincial Congress, August 28, 1775, which was used until the Declaration of Independence. This Test professed "allegiance to the King" and acknowledged "the Constitutional Executive power of Government"; but denounced internal taxes and

1 Rockwell, in Hist. Mag., Feb., 1869.

2 C.R. X., 594.

4 C.R. X., 212-214.

6 Appendix A.

3 C.R. X., 54.

5 C.R. X., 507, 519.

recognized the binding authority of the Continental and Provincial Congresses.¹ This did not preclude the use of other oaths, however; and oaths of varying content were used in different places.²

The Council of Safety, July 25, 1776, having received news of the Declaration of Independence, decided to omit the phrase, "professing our allegiance to the King and acknowledging the Constitutional Executive power of Government", but curiously enough leaving the remainder practically the same, including the words, "colonies" and "provincial".³ The Constitutional Convention, however, November 22, 1776, prescribed a Test, in which the Loyalist was to swear to "be faithful and bear true allegiance to the State of North Carolina" and to "do no act wittingly, whereby the Independence of the said State may be destroyed or injured".⁴

The later oaths are more explicit and elaborate. By the Treason Act of 1777, the Loyalist who expected pardon must swear not only to "support and maintain, and defend the independent Government" of North Carolina, but also to "disclose and make known.... all Treasons, Conspiracies, and Attempts, committed or intended against the State, which shall come to my knowledge".⁵ A special act was passed during the second session of the Assembly (1777) prescribing the Oath of Allegiance and Abjuration. This instrument is exceedingly long and explicit.⁶

Many Tories took the Oath promptly and willingly.⁷ Others, after experiencing social ostracism, imprisonment, or deportation, begged for the privilege of becoming "free citizens".⁸ Ordinarily, these petitions were granted.⁹

Sometimes, in addition to signing the Test and Association, a particularly obnoxious Loyalist was required to furnish a deposition, subscribe to a recantation, and provide security for future good behavior.¹⁰

In the case of those Loyalists who neglected or refused to appear when cited, compulsion, direct or indirect, had to be used. In 1775, the Rowan Committee was sending detachments after "incorrigible enemies";¹¹ and in Anson County Whigs were breaking into houses and compelling Tories to swear allegiance.¹² Various indirect means were tried. One was to deny the Tory the protection of the Committees.¹³ The Rowan Committee resolved that no trade or intercourse be carried on with Tories.¹⁴ The Provincial

1 C.R. X., 171, 296. Appendix A.

3 C.R. X., 684. Appendix A.

5 C.R. XXIV., 11.

8 Containing 278 words. C.R. XXIV., 108. Appendix A.

7 C.R. X., 886. Proceedings of Council of Safety, C.R. X., passim.

2 C.R. X., 141, 697, 827.

9 C.R. X., passim. Especially, 697.

10 C.R. X., 141, 182, 204. Appendix A.

11 C.R. X., 311, 316, 317, 318.

12 C.R. X., 125-129.

13 C.R. IX., 1081. The Surry Committee voted, Sept. 21, 1775, that Tories "shall have no benefit of the proceedings of this Committee." C.R. X., 255.

14 C.R. X., 386.

Council voted, December 24, 1775, "that no person or persons shall be entitled to any benefit or relief against any Debtor.... unless such person or persons.... shall at least ten days previous to (his) application have subscribed the Continental Association and the Test."¹

In many cases, the Oath seems to have been lightly regarded. The people of North Carolina were not a people of deep religious feeling, and were^{not} sufficiently amalgamated to be highly sensitive in regard to public opinion.² Six of the 101 Loyalist prisoners in Halifax in April, 1776, had taken the Oath. Nevertheless, the Oath was more respected during this period than later when the British were operating in the state.

Systematic disarming of the Loyalists began in August, 1775. In July, it is true, steps had been taken to disarm the negroes;⁴ but this was no innovation in a slave-holding colony. The Newbern Committee, August 14, directed the militia captains to take from suspected persons their fire-arms, swords, cutlasses, gun-powder, lead, and all other military stores, to give receipts for these articles, and to deliver the arms to those Whigs who needed them.⁵ War had already commenced, the Governor was known to be in communication with the interior and to be planning for an uprising, and disarming was an essential military precaution. At this time, confiscation was evidently not intended, the purpose being to render the Loyalist temporarily hors de combat and later to restore his property. The Continental Congress, January 2, 1776, advised disarming;⁶ yet, six weeks later, John Penn wrote that the Tories had been disarmed in New York, adding, "I don't know that a step of that kind could be taken with you, perhaps it would be dangerous."⁷ He was, however, writing to Thomas Person, and this may account for the cautious statement.⁸

When the Tories began to rise in February, the Whigs, wherever they were in control, disarmed those who refused to take the Test.⁹ After the battle of Moore's Creek, paid companies of Whigs were engaged for a considerable time in disarming the Tories.¹⁰ In April, the Provincial Congress had a Committee on Fire-arms which was directed to "receive into their possession all such arms as have been taken from the Tories, and keep them safely till they shall be demanded by persons hereafter to be appointed for that purpose."¹¹ After this, disarming was an accepted policy to be followed in the case of every acknowledged Loyalist.¹²

The administering of the Test and the seizing of arms were preliminary measures. They were followed by steps to restrict the liberty of the

1 C.R. X., 362.

2 C.R. X., 602.

3 C.R. X., 158.

4 C.R. X., 158.

5 C.R. X., 449.

6 C.R. X., 467.

7 C.R. X., 525.

8 Infra.

9 C.R. X., 63, 87.

10 Ante.

11 C.R. X., 485, 528.

12 E.g., C.R. X., 593.

disarming, March 14, 1776. Journals, IV. 2205. Congress again recommended

Loyalist. This was done by means of a bond, imprisonment, or deportation. Sometimes, only a bond for good behavior was required, ranging in amount from £150 for a Tory of small renown¹ to £1000 for men like John Dunn and John Piles.² Imprisonment and deportation were too expensive to be applied indiscriminately; and, ordinarily, only those Tories were imprisoned or deported who, by reason of their aggressive tendencies or influential position, were deemed particularly obnoxious. These measures, at their best, involved much harshness and many complaints. They were justified by necessity, not by intrinsic merit.

The more extreme measures, however, were resorted to early in the war. The Wilmington Committee resolved, August 21, 1775, "That if Capt. Maclean does not come into this Committee and make a recantation of his sentiments in regard to America within thirty days from this date, that he be ordered to depart this Province"³. Dunn and Boote, the Salisbury lawyers, had been carried to Charleston. Their wives appealed to the Provincial Congress; but the deportation was declared to be "necessary and justifiable."⁴ On the following day, the Congress voted, that "no one shall be carried out out of this province privately, or by any Act of Violence," except by a regularly chosen committee; "but as the particular Circumstances" of the Dunn and Boote case "rendered a previous application altogether impracticable,... we acknowledge ourselves under the greatest Obligations to the Persons" who made the deportation.⁵ Not until September, 1776, were Dunn and Boote, after repeated petitions and explanations, permitted to return under heavy bond.⁶

During the closing months of 1775, committing recalcitrant Tories to "close gaol" was becoming common.⁷ The Continental Congress, besides advising disarming, suggested that "the more dangerous among them either (be) kept in safe custody, or bound with sufficient sureties to their good behaviour".⁸ The formidable rising of 1776 made the imprisonment of its leaders absolutely necessary. Before the battle of Moore's Creek, several had already been lodged in jail,⁹ and afterward 101 were confined at Halifax.¹⁰ These included prominent Regulators and Highlanders, men who had corresponded with Martin and who had commanded companies at Moore's Creek.¹¹

It is often difficult to distinguish prisoners charged with "Toryism" from prisoners of war. Even during this early period, prisoners of war from Charleston were being held in North Carolina.¹² The nomenclature in

1 C.R. X., 690.

3 C.R. X., 220.

5 C.R. X., 184.

7 C.R. X., passim.

9 Journals of Congress (Ford ed.), IV., 20.

10 C.R. X., 469; XI., 282.

11 Ante.

12 C.R. X., 880-81; XI., 370.

2 C.R. X., 968, 829.

4 C.R. X., 181.

6 C.R. X., 812, 798, 828, 829.

E.g., C.R. X., 311, 316.



the Records changed with the deepening of party hatreds. Those who were confined for "misdemeanors" early in the struggle¹ were later designated as "criminals",² and such designations add to the difficulty of distinguishing the sincere Loyalist from the actual criminal.

The underlying idea in imprisonment was not so much to punish the Tory as to remove him from his own neighborhood and his own "sphere of influence". The Whigs seem, therefore, to have preferred, whenever possible, to transfer the "obnoxious" person to another county or another state, and there to limit his movements by means of a bond. Transplanted to an alien soil, his exotic doctrines were expected no longer to flourish. Thus, William Heatn, of Newbern, charged with "Torryism", was simply ordered removed to some county "not less than 100 miles from Newbern".³ The Council of Safety decided that William Miller and Andrew Wilson ought to be separated. Accordingly, Miller was paroled to Johnston Court House and Wilson to Hillsboro.⁴ Usually, the Loyalist on parole was confined to the limits of the town and was required to report daily at the house of some local Whig.⁵ Petitions for a change in location or an extension of limits were frequent; and, in a majority of cases, seem to have been granted.⁷

The sending of Loyalists out of the state, however, was not a settled Whig policy until after the battle of Moore's Creek. Cases of expatriation in 1775 were exceptional. In April of 1776, the jail at Halifax was full; and the Provincial Congress, after ample deliberation, decided, as a measure of convenience as well as safety, to send 53 of the prisoners out of the state.⁶ Brigadier-General Donald McDonald headed the list; which included also Col. Allen McDonald, Maj. Alexander McDonald, 15 captains, one lieutenant, one adjutant-general, and Farquard Campbell, who was labelled "Spy and Confidential Emisary of Gov. Martin".⁸ The Whigs explained that "much was to be apprehended from their personal and family influence of those persons disposed to exert it to the prejudice of this country", and, although every possible indulgence would be granted the prisoners, yet "much will depend upon the future good behavior of those who still remain in the Province, as to the mode of treatment which our prisoners shall experience". It was further voted that the Tories be allowed their election as to taking their families; and Thomas Rutherford was permitted to take his horse and a slave, Farquard Campbell his horse.¹⁰

The Congress also issued a lengthy Declaration, containing explana-

1 C.R. X., 918, 919.

2 C.R. X., 954, 974, 977.

3 C.R. X., 681, 682, 684, 688, 685.

4 C.R. X., passim; especially, 625, 758, 758, 792, 841; XI., 455-6.

5 C.R. X., 688, 627, 628, 629, 969; XI., 396, 456.

6 C.R. X., 544, 1034; ante.

7 C.R. XI., 294.

8 C.R. X., 544.

9 Infra.

10 C.R. X., 688.

tions and apologies altogether superfluous but throwing an interesting light on the Whig attitude.¹ "These have been our motives", so its conclusion ran, "for exercising a severity, which regard to the common safety, and that first principle of nature, self-preservation, prompted.... In the anguish of our hearts, we lament the sad necessity which the frailties of our fellow-beings have allotted to our share".²

Twenty-seven of the deported Tories were sent to Maryland and Virginia. The rest were consigned to Philadelphia, "for the more immediate disposition of the Continental Congress".³ They arrived in Philadelphia May 25, 1778; and the Continental Congress at once assumed the care of them, having already promised that the expense would "be defrayed by the continent".⁴ In the Fall, several of the prisoners petitioned for permission to return; and William Hooper gave them his endorsement.⁵ The Continental Congress voted, "That the prisoners from North Carolina be permitted to return to their families.... if the convention of that state shall be of opinion they may do so".⁶ The North Carolina Council of Safety, however, acted on the theory that the Congress had assumed full charge of the prisoners and power over them;⁷ and the Whigs of that state were, in general, unwilling to have the Tories return, "except upon swearing allegiance to the State and giving security for their good behaviour".⁸ Some were willing to give security; but would not take the Oath.⁹ During the following months, some took the Oath;¹⁰ others broke their paroles and returned without taking it; while still others remained in captivity and were not properly exchanged until 1780.¹¹

The few specific charges of cruelty and the apologetic tenor of the Whigs' Declaration suggest that the Tories, imprisoned, paroled, or deported, were not intentionally or ordinarily ill-treated. That harsh edicts could be executed without friction was hardly possible. To be removed from home, family and friends, placed in a Whig neighborhood, pointed at, ridiculed, and calumniated were in themselves hardship enough for the Loyal expatriate. General Jones wrote that the prisoners were very obnoxious to the people of Halifax, "and for that reason among others very anxious to leave the place".¹²

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1 See Van Tyne, *Loyalists*, 217, 218.

2 C.R. XI., 547-8. 3 C.R. XI., 293.

4 Journals of Congress (Ford ed), IV., 273, 329.

5 C.R. X., 828, 829.

6 C.R. X., 890; Journals of Congress, VI., 885.

7 C.R. X., 828. The attitude of the Continental Congress may be explained by the following: "I found they were not all secure in close confinement, and the guarding them was exceedingly expensive".

Burke to Caswell, March 2, 1777. C.R. XI., 401. See also, C.R. XI., 404. The prisoners put the Congress to much trouble. Journals, IV., 411; V., 423; VI., 823.

8 C.R. XI., 401, 404.

9 C.R. XI., 405.

10 C.R. X., 968.

11 C.R. XI., 786; XXII., 616.

12 Jones to Caswell, March 8, 1777. C.R. XI., 414.

Paroled Loyalists found it difficult to secure lodgings, especially those who went to Charlotte. James Hepburn lived in a "small apartment" a few days, and then, driven out, was unable to find a house, although he offered £40 per annum for one "hardly fit for a stable".¹ At Salisbury, lodgings were more plentiful; and Loyalists' petitions often specified that town as a desirable location.² Alexander Steward was paroled to Granville County in May, 1776. He had no opportunity to send for his clothes until August; and then the Commissioners of Cumberland County demanded proof of ownership. In October, his trunk had not yet come; and he complained that he was "Quite Destitute for want of Cloathes & Linnens".³

Another Loyalist voiced a common irritation, no doubt, when he complained that he was "obliged to appear before a man dayly, who is watching the smallest op^{ty} to send me to Hallifax Gaol as he is directed so to do, if I go out of my Limmits".⁴

An element of pathos recurs in the appeals sent to the Provincial Congress by the wives of deported Loyalists. Nine wives petitioned from Guilford County to have their husbands removed into the province, "So that we may be of Some asistance to their wants".⁵ Requests of this kind were usually granted.⁶

In 1776, it was no secret the intention of the Whigs to make provision for the families of deported Loyalists.⁷ But there were many chances for intention and execution to part company. That some were left without provision is suggested by the fact that one Tory begged to be placed "where he may support his suffering family,"⁸ and that the "unhappy situation" of his family is a reason urged for the release of another.⁹

The expenses incident to deportation were borne in part by the state and in part by the expatriates themselves. Well-to-do Tories were expected to pay their own way.¹⁰ An allowance was made, of course, for prisoners of war.¹¹ The financial administration, however, was completely deranged, if not corrupt; and the appropriation often failed to reach its destination.¹²

The Whig policy toward the individual has been outlined. To deal with Loyalists in the mass, different measures were required. After the battle of Moore's Creek, frequent reports of lawlessness and threatened outbreaks showed that civilian committees were not sufficient to inspire order and led to the regular use of the military. A small body of light horse, hastily raised; under the command of a colonel possessing indefinite

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1 C.R. X., 752, 792.

3 C.R. X., 843.

5 C.R. X., 841.

7 C.R. X., 293, 312.

9 C.R. XI., 350.

11 C.R. XI., 416.

2 C.R. X., 753, 758.

4 C.R. X., 789.

6 C.R. X-XI., passim.

8 C.R. XI., 466.

10 C.R. X., 706; XI., 392, 444.

12 Ibid.

powers, scoured the country, visited disaffected sections, and, when the danger was passed, disbanded¹. When Guilford County was disturbed in the Summer of 1776, the Council of Safety stated that they saw nothing objectionable in a company of light horse providing they did not act without orders from the Committee². Nevertheless, they did act more or less independently, a condition due to the necessities of the case and vague orders. The Provincial Congress, in November, 1776, provided for a company to seize thirteen Tory ring-leaders in Chatham and Bladen counties, and gave the captain discretionary power to seize other persons harboring or abetting the outlaws, "taking possession of their property.... for the public, having first inventoried the same"³. A Whig had written to the Council in July, that a force should march "into their Settlements & put those Rascals to death on Sight, & that they lay waste the Country where the Inhabitants refuse to deliver the Offenders"⁴.

The attitude of the Whigs toward the clergy and religious bodies is interesting. In March, 1775, "Parson Agnew", of the border Virginia county of Nansemond, was in trouble with the Committee because "he had preached up Obedience to the King and the Laws of the Country, and admonished his Congregation against Riots"⁵. In July, the Pitt Committee asked the Church Wardens to advise Rev. Nathaniel Blount "That the People Desires he may withdraw from his Agreement as the only method to Unite People of the County"⁶. James Reed refused to conduct services in Newbern on fast day. The Committee thereupon asked the Vestry to suspend him and stop his salary⁷. Four months afterward, "Providence presented an opportunity of decently closing the breach"⁸. Rev. George Meicklejohn, an Episcopalian, was a paroled prisoner in July, 1776, and had not been liberated in November⁹.

The Whigs had no encouragement for the doctrine of non-resistance. In April, 1776, a petition from certain persons "stiling themselves members of Christ's Church" setting forth that "they were for religious scruples bound by conscience against taking up arms" was rejected by the Provincial Congress nem. con.¹⁰. James Childs, a New Light Baptist of Anson County, expounded the doctrine of non-resistance and refused to subscribe the Test. He was paroled to Edenton¹¹. His parole was changed several times; and, in December, 1777, he was in Anson jail¹². The Quakers, of course, were ex-

1 C.R. X., 335, 342, 744, 761, 939; XI., 329.

2 C.R. XI., 348.

4 C.R. X., 664.

6 C.R. X., 122.

7 C.R. X., 115, 116, 153, 229; Van Tyne, Loyalists, 209.

8 C.R. X., 428.

10 C.R. X., 526.

12 C.R. X., 919, 938, 939; XII., 217.

3 C.R. X., 935, 936, 940.

5 C.R. IX., 1164.

9 C.R. X., 648, 917.

11 C.R. X., 699.

A petition signed by Childs addressed to the Senate, "appearing to have a seditious tendency", was ordered "delivered to the waiter and be by him burnt". C.R. XII., 217.

empted from militia service on payment of an extra tax¹.

In a time of revolution and civil conflict it was inevitable that some action affecting the Loyalists should overstep the bounds even of sanctioned irregularity. In a time when all duties and responsibilities were loosely defined and power was proportioned to the demands of the emergency, it was natural that some of the constituted, or self-constituted, officials should use arbitrary and extreme methods. It was a time of passion, alarm, and distorted views; and the Loyalist, a standing provocation in himself, inevitably suffered much at the hands of Whig mobs. The Records are unfortunately deficient at this point, and will permit no sharp conclusions. Picturesque discipline, such as tarring-and-feathering and suspending from liberty poles, was doubtless practiced in North Carolina; but we can point to no specific case during the early period.

Martin repeatedly charged the Whigs with using violent measures. In his proclamation of June 16, 1775, he accused the "incendiaries" of having "proceeded to the extravagance of threatening individuals with tarring and feathering.... and menacing them even with death"². It will be noticed, however, that he charges only "threatening" and "menacing". At this time, he had fled to Fort Johnston; and had he known of any actual cases of mob violence he would certainly have mentioned them. Again, on June 25, he speaks vaguely of "various kinds of intimidation"³. The Committee of the District of Wilmington declared that Martin's proclamation contained "many things asserted to be facts, which are entirely without foundation; particularly the methods said to have been made use of, in order to compel the people to sign an Association,... no person having signed such Association but from the fullest conviction that it was essentially necessary to their freedom and safety"⁴. In October, according to Martin, Thomas McKnight was "threatened hourly with assassination"⁵; and, according to McKnight himself, there had been "fruitless attempts to stimulate the people in these counties to tar, feather and burn me, together with my property"⁶.

In December, 1775, Mrs. Pollock wrote a pathetic letter to Joseph Hewes.⁷ Her high-spirited Tory husband had got himself into trouble by repeating someone's remark that "matters might be easily settled by hanging a half a Dozen on each side the Question"; which, though an eminently judicial opinion, was not calculated to placate the dominant party. Pollock was warned not to leave town without permission. He replied that he would

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1 C.R. XIII., 290.

2 C.R. X., 17.

3 C.R. X., 38. Also, C.R. X., 47.

4 C.R. X., 27. The last statement will bear some reading between the lines.

5 C.R. X., 656.

6 C.R. X., 84.

7 C.R. X., 1027-1031.

go where he pleased. A mob carried him to the Edenton Court House, and held him prisoner two days and one night. Later, some soldiers came to his house, chopped in a window, and dragged Pollock out. His wife was assured that she "need not be uneasy, for the worst that would be done to Mr. Pollock would be to tar and feather him". "I flew out of the house," relates Mrs. Pollock, "little clothing upon me, the coldest night we have had this year, screaming for Mr. Pollock all over the streets, sometimes barefooted". The distracted wife appeals to Hewes to "Let not a respectable member of society be made a victim of a Barberous few"¹. In August, 1775, Samuel Williams, his son, Jacob Williams, and James Cotton fled from Anson County to the Cruzier. In three detailed depositions, they told of much persecution, consisting, however, more of threats than of violence.² Meager as the narrative is at this point, it nevertheless throws interesting light on the social and political condition of the province. It was a condition, in one quarter, of exceedingly unstable equilibrium, in another, of open collision. Many of those proceedings, which we can imagine, but which the Revolutionists did not see fit to record, were wholly irregular, probably futile, and certainly difficult to justify.

A study of Loyalist activity showed us that a formidable number in the colony failed to sympathize with the Revolutionary movement or were openly hostile to it. We have now seen that the reaction of this numerous class called out a series of measures directed toward the conversion, elimination, coercion, or suppression of the Loyalist. The Tory was socially ostracized and forbidden the right of free speech. The Test was introduced, and administered by various forms of compulsion. The outbreak of civil war necessitated the formal adoption of a more severe group of measures; disarming, imprisonment, paroling, and deportation; and the employment of the militia for police purposes. While Loyalists undoubtedly suffered hardship and persecution; on the whole, the Whig measures of the transitional period show a forbearance and deliberation conspicuously lacking in later years.

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1 C.R. X., 1031.

2 C.R. X., 125-129.

IV.

LOYALIST ACTIVITY FROM NOVEMBER, 1776, TO THE END OF THE WAR.

The rumors and disturbances during the Summer and Autumn of 1776 were the aftermath of the movement which culminated at Moore's Creek. During 1777, the tide of Loyalism seemed to be subsiding; but its rising had created an atmosphere of suspicion, and the dread of Tory "plots" was a constant disturber of the new Whig government. In July, a "traitorous conspiracy" was unearthed reported to involve "some principal persons" in the counties of Martin, Bertie, Pitt, and Edgecombe. "They were at some certain night to fall on and assassinate all the leading men."¹ There was a brisk correspondence among the Whig leaders; but, almost two weeks after the sounding of the alarm, three justices of the peace acknowledged to Governor Caswell: "We are not able to make any discovery of the plot by any person that we have called upon as yet."² Lieut.-Col. Henry Irvin reported from Tarborough that "about 30 of them made an attempt on this place," but, "luckily," having 25 men to oppose them, he "disarmed the whole; and made them take the oath."³ Few were implicated. William Brimage, a man of some consequence, seems to have been made the scape-goat,⁴ and was lodged in Edenton jail.⁵ Three others, including Brimage's father-in-law, are named vaguely as co-conspirators.⁶ The alarm could not have had much basis in fact, the lack of affidavits and specific charges showing that it was caused by little more than the tension of the public mind.⁷ There was, nevertheless, an element in this section numerous enough, as indicated by later events,⁸ to cause reasonable anxiety among the Whigs.

In the Summer of 1777, there was considerable dissatisfaction due to the high price of salt; and^a concerted movement to obtain the staple occasioned a second wide-spread alarm. Cross Creek, at the head of navigation on the Cape Fear, was then, as Fayetteville is now, an important distributing center⁹ for the interior counties.¹⁰ Salt was stored there in large quantities; and its price was a matter of vital interest to the stock-rais-

1 C.R. XI., 510. The character of the evidence may be judged from the beginning of this letter: "I was yesterday informed by Col. Robt. Salter who left Tarborough that morning that Col. William Williams.... had received an express from Mr. Whitmil Hill informing him," etc.

2 C.R. XI., 528.

4 C.R. XI., 561.

6 C.R. XI., 528, 561.

8 Infra.

9 North Carolina and its Resources, 328.

10 C.R. XI., 526-527.

3 C.R. XI., 521.

5 C.R. XI., 551.

7 C.R. XI., 561.

ers of Orange, Chatham, and similar counties.¹ In July, salt was selling at five dollars a bushel,² and this was considered by the consumers an unreasonable price.³ Meetings of the people were held,⁴ and there seems to have been some general agreement to march to Cross Creek, seize the salt, and pay for it what they deemed a fair price.⁵ It was reported that, at a meeting in Guilford, "they frequently drank the King's health, and damnation to all that would not join them".⁶

A majority of these discontented people were probably Loyalists of the more ignorant sort; but to get salt was apparently at the time their ruling purpose.⁷ Nevertheless, there were magazines at Cross Creek and Wilmington; and the Whigs promptly suspected in the movement for salt a design of seizing the munitions.⁸ The guards were reinforced at both places,⁹ and light horsemen were dispatched to the disturbed localities.¹⁰ During the last week of July, a mob of five or six hundred visited Cross Creek,¹¹ but it was neither armed nor organized and readily dispersed when provided with salt, "taking the oath to the State and appearing very penitent".¹² One of the leaders was a newly-appointed justice of the peace of Duplin County.¹³

Evidences appear in 1777 that the Tories of North Carolina were adding their influence in the depreciation of the Continental currency. A Loyalist in Chatham County demanded "hard" money, "for he would not have the damned Congress counterfeit".¹⁴ In February, the Whigs discovered a sinister "communication" which "was carried on between the Tories of every State and New York and a traffic of gold and silver for Continental money". In this vague conspiracy three North Carolina Loyalists were said to be involved.¹⁵ In January, 1779, a Whig judge wrote that the bills would not remain at their present value "against the constant endeavours of the mongrel Tory Traders & others among us to destroy their Credit".¹⁶

The Tories continued to embarrass the Whig recruiting officers. While some of the difficulty in enlistment was due to the fact "that they could not dispose of their bills",¹⁷ much of it was attributed to those "evil-minded persons" who, so it was reported, "do openly retard and ob-

1 For the soil and topography of these counties and their adaptability to grazing, see North Carolina and its Resources, 319, 320, 377, 378.

2 C.R. XI., 560.

4 Ibid.

6 C.R. XI., 526.

8 C.R. XI., 526, 536, 538, 546, 560, 591.

9 C.R. XI., 526, 536, 546, 591.

11 C.R. XI., 555, 558.

12 C.R. XI., 580.

13 C.R. XI., 580. Robt. Rowan, the Whig leader at Cross Creek, called them a "Mob", and says that he "informed them that they were worse than Tories". Evidently, he did not consider that they were acting as Tories.

15 C.R. XI., 580.

16 C.R. XI., 374.

17 C.R. XIV., 248.

18 C.R. XI., 500, 522.

3 C.R. XI., 549.

5 C.R. XI., 560.

7 C.R. XI., 526, 548, 554, 560, 680.

10 C.R. XI., 538, 554.

14 C.R. X., 338.

struct the recruiting service and by their influence and evil example are otherwise prejudicial to the public Good".¹

Disturbances occurred at various points in 1778. In July, Beaufort County was terrorized by a lawless gang which openly protected deserters and broke into stores.² In Rowan County, Capt. Johnston called the people together to take the Oath; but one of the company "huzzaed for King George" and, with a hundred others, in "a riotous turbulent manner withdrew".³ Col. William Bryan found it impossible to draft men in Johnston County. A band of deserters operated alternately in Johnston and Nash counties, released their comrades from jail, and threatened Bryan's life.⁴

The most trouble came from the Highland Scotch territory. After the passing of the so-called Tory Act in 1777, prescribing deportation for those refusing to take the Oath, Col. Smith wrote from Cross Creek (July 26, 1777), asking for an armed company to be maintained at that place, "it being evident that upwards of two-thirds of this County intend leaving the State, and are already becoming insolent, and it is apprehended will be troublesome".⁵ Governor Caswell considered Cumberland County peculiarly embarrassing.⁶

In 1778, opposition to the Whigs grew more general and assumed a semi-organized form. The severe Whig measures passed in 1777, including a universal administration of the Oath, deportation, confiscation, and the death penalty for the Whig interpretation of treason, had been circulated and executed very slowly; but it was inevitable that, when fully comprehended by the Tories and put into force by the Whigs, their effect would be to turn many neutrals into active Tories and widen the gap between the two hostile parties. As time passed, the drafting measures were a plain cause of increasing friction, violence, and lawlessness. Another reason for renewed Tory activity is found in the success of the British operations in Florida and Georgia during 1778 and 1779.

Already, in the Summer of 1778, David Fanning and Ambrose Mills had collected some Loyalists with the design of joining the British at St. Augustine; but they were betrayed and Mills and sixteen others captured.⁷ The British occupation of Savannah, December 29, 1778, and the preparations of the Southern Whigs to retrieve their disasters induced John Moore of Tryon County to gather a force of Loyalists for service in Georgia.⁸ Moore was one North Carolina Loyalist whose efforts, though usually ill-timed, were always aggressive. About February 6, 1779, he was at the

1 C.R. XII., 48; XI., 490. Cf. C.R. XI., 579.

2 C.R. XIII., 128.

4 C.R. XIII., 295.

6 C.R. XII., 741.

8 Van Tyne, Loyalists, 184; Draper, King's Mountain, 298n. Tryon

3 C.R. XII., 862.

5 C.R. XI., 584.

7 Fanning, Narrative, in C.R. XXII., (186.

is now Lincoln County.

head of an armed force of one or two hundred and was seizing horses belonging to Whigs.¹ His followers boasted that at the enrollment they would be 2000 strong;² and the Whig estimate of the danger may be inferred from their preparations to meet it, the Assembly calling out 1000 of the Salisbury militia, 700 of the Hillsboro, 200 of the Halifax, and one-fourth of the Wilmington, all to be placed under a brigadier-general.³ Additional troops were requested of Virginia;⁴ and \$100,000 were appropriated for the campaign, the Governor himself hastening to the scene of operations.⁵ But Moore, with his little army,⁶ left North Carolina in February; and, while attempting to cross South Carolina, was defeated by the Whigs of that state.⁷

Deserters and persons resisting the draft were a serious embarrassment in 1779. In July, Governor Caswell stated to the Council that persons had assembled "on the Line of the Counties of Edgecomb, Nash, Johnston, and in the upper end of Dobbs," and had "Assigned Articles of Association or Enlistment", agreeing to prevent militia from being drafted; that they had successfully resisted the justices of those counties, and had shot at and wounded officers attempting to arrest deserters.⁸ In August, two companies in Beaufort County would not allow the draft to be made, and only five men appeared.⁹ In other counties, deserters openly defied the authorities.¹⁰

While Loyalism in the eastern counties was finding expression in resistance to military service; in the West, it tended toward general license and criminality. In Burke County, a band was said to rob Whigs publicly and "openly declare" that they would not injure Tories. Robbers captured and put in jail were mysteriously set at liberty.¹¹ A gruesome "conspiracy" also came to light in Burke County.¹²

With the invasion of the South by Cornwallis, Loyalism in North Carolina enters upon a new phase; and, for the next two years, it is closely connected with the operations of the British.

In their preliminary plans for the subjugation of the Carolinas, Clinton and Cornwallis placed much emphasis on the support to be given by the Loyalists. Since 1776, the Whig leaders of the South had been expecting another attempt at British and Tory co-operation. In 1777, Col. William Bryson thought the "disaffected party rising in arms in so many

1 C.R. XIV., 261.

3 C.R. XIII., 784b, 784c.

5 C.R. XIV., 27.

2 Ibid.

4 C.R. XIII., 784d.

6 700 according to Van Tyne (Loyalists, 184). I have found no confirmation; but the number is probable.

7 Van Tyne, Loyalists, 184.

8 C.R. XIV., 319.

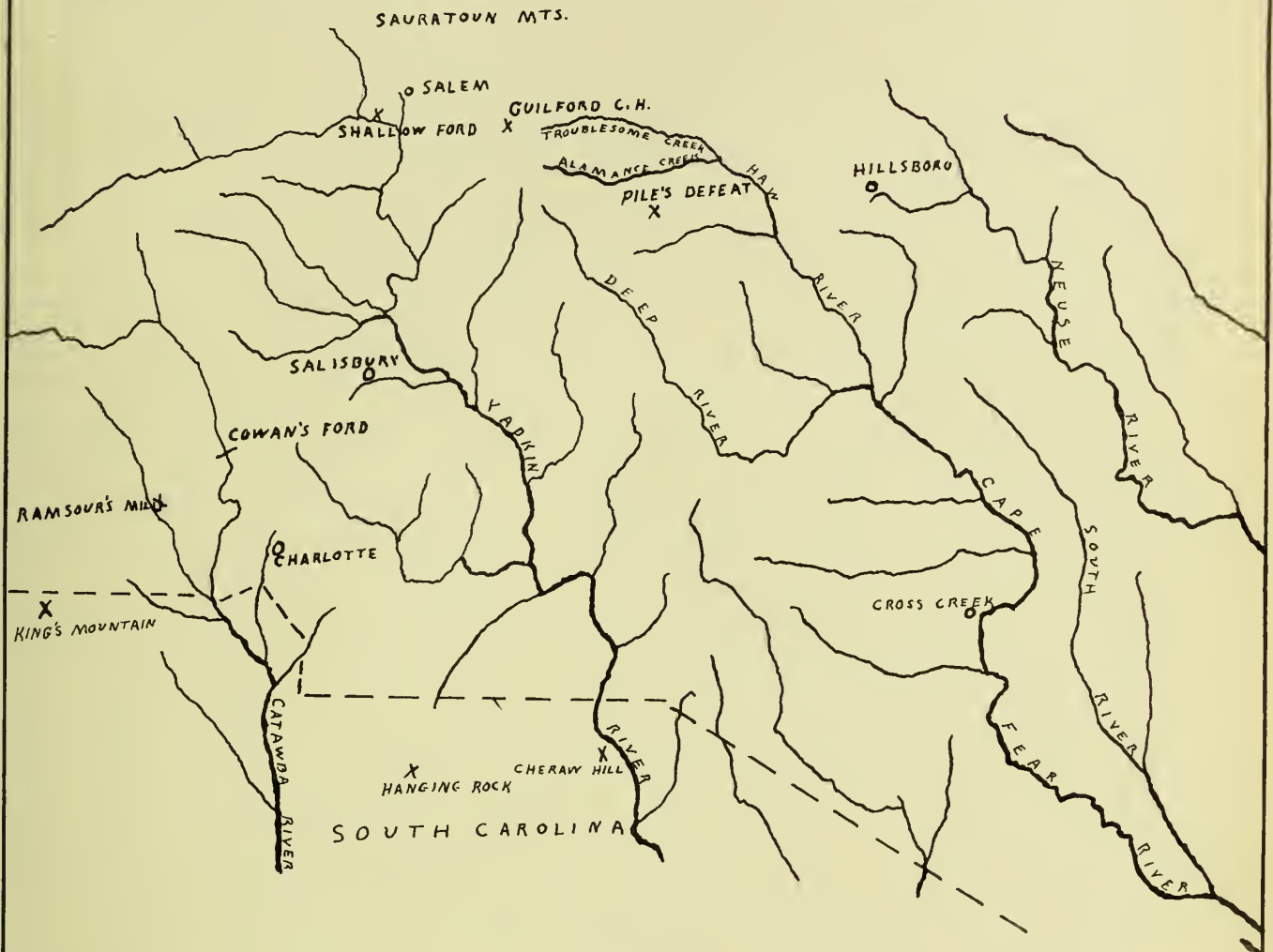
9 C.R. XIV., 184.

10 C.R. XIV., 183, 198.

11 C.R. XIV., 182.

12 C.R. XIV., 182, 183, 321.

VIRGINIA



WESTERN NORTH CAROLINA;
REGION OF BRITISH CAMPAIGN,
1780-1781.

parts of the State" foreshadowed an attack by Howe¹; and in 1779 the Whigs were certain that British officers were recruiting among the Loyalists.² Martin wrote in 1778 to Germain expressing an opinion that the people of North Carolina were tired of rebellion;³ and, with a number of other refugees, the former governor accompanied the British to the South.⁴

After his arrival in South Carolina and the apparent redemption of that state, Cornwallis sent emissaries into North Carolina and carried on an active correspondence with the Loyalists. Crops in the western counties were large in 1780;⁵ and Cornwallis instructed the Tories to wait until after harvest before collecting their forces.⁶ These instructions were disregarded. Col. John Moore, having returned from South Carolina possessed of the double fascination of a British uniform and a purse of gold, raised a considerable force in Tryon and Burke counties, and encamped at Ramsour's Mill, now Lincolnton.⁷ The Tories assembled are usually estimated at 1100;⁸ but a large number were unarmed.⁹ According to Schenck, they "were nearly all simple-minded, artless Germans, industrious, frugal and honest citizens, who had never been in arms before, nor suffered persecutions from the Whigs."¹⁰ They were defeated, June 20, so decisively that they never became belligerent again.¹¹

Soon after the battle of Ramsour's Mill, Samuel Bryan of Rowan County assembled six or seven hundred Loyalists along the Yadkin and marched to Anson Court House then occupied as a British post. A majority of this force were unarmed.¹² From Anson Court House they went to Hanging Rock where they suffered severely in two actions, one July 21, 1780, and the other six days later.¹³ Bryan joined the British army at Camden with probably less than 250 men;¹⁴ but a captured British soldier reported August 11 that "Brion's & the Militia" amounted to 345 men.¹⁵

In August, 1780, Cornwallis' agents were busy in North Carolina; and, especially among the Highlanders of the southern counties, were successful enough seriously to alarm the Whigs.¹⁶ The day following the defeat of Gates at Camden, Cornwallis wrote that he had dispatched "proper people" into North Carolina, directing the Tories to assemble immediately, "to

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1 C.R. XI., 542.

2 C.R. XIII., 367.

3 C.R. XV., 8.

4 Hunter, Sketches, 202, 213; Clark,

5 Davis to Murphey, Aug. 9, 1826.

6 Sketches, 213.

7 Schenck, North Carolina, 68.

8 Ibid.

9 Tarleton, Campaigns, 91, 119; C.R. XIV., 365; XV., 55; XVI., 267.

10 Estimates of Bryan's force range from 300 to 900.

11 Lee, Memoirs, 177, 178; Mackenzie, Strictures, 26; Tarleton, Campaigns, 94, 95; C.R. XIV., 541, 548; XV., 6.

12 C.R. XVI., 268.

13 C.R. XIV., 552.

14 In the middle of June, according to a Gates memorandum, Cornwallis had 150 North Carolina Loyalists in his army. C.R.,

15 Col. William's Narrative, in Johnson, Greene, I., App. E, 504; Tarleton, Campaigns, 128; Clinton, Observations, 17.

2 C.R. XIV., 133, 234.

4 C.R. XIV., 349; XV., 323, 324.

6 Tarleton, Campaigns, 85, 86, 91.

8 Tarleton, Campaigns, 85, 86, 91.

10 Hunter says 1800.

11 Ibid.

seize the most violent people", and that he had "promised to march without loss of time to their support".¹ He relied most upon the assistance of the Highlanders.² When he left Camden, therefore, he advanced a detachment to Cheraw Hill on the Peedee to preserve communication with Cross Creek.³ In the meantime, Col. John Hamilton, a wealthy and influential Loyalist merchant of Halifax, had raised a corps of 500 men, mostly South Carolinians, and had joined Cornwallis.⁴ When the British moved to Charlotte, Hamilton's corps was left to garrison Camden.⁵

The advances of the British army, first to Camden and later to Charlotte, were reflected in marked excitement among the Loyalists and in sporadic disturbances in all parts of North Carolina, ^{except the} extreme north and north-east. Whig energies were completely distracted, the Tories rising at so many points and in such small bodies that no decisive results could be secured.⁶ Kalb and Marion were operating in the eastern border counties and gaining temporary advantages; but Col. Ferguson entered North Carolina and began successful recruiting in the West. His operations and those of the British and Tories as a whole met with a serious check at King's Mountain, October 7.

Cornwallis had assigned Ferguson the special task of assembling and drilling the Loyalists; and about 450 from the upper Catawba valley of North Carolina had joined his standard.⁷ At the time of the battle, Ferguson's force numbered about 300, of whom 100 were British and the rest about equally divided between the two Carolinas.⁸ Col. Ambrose Mills commanded the North Carolina contingent.⁹ About 150 North Carolinians were absent on a foraging expedition;¹⁰ and other Tories had been collected and were on the march at the time of the battle. Had the battle been delayed or the Whigs defeated, perhaps 600 more Loyalists would have been enrolled.¹¹ The victory of King's Mountain, therefore, was vitally important. It discouraged the Tories from further enlisting¹² and badly crippled Cornwallis,¹³ forcing him to withdraw at once from Charlotte to Winnsboro.

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1 Tarleton, Campaigns, 135; C.R. XIV., 382, 611, 609, 738.

2 Cornwallis to Clinton, Sept. 28, 1780. Clinton, Observations, 17.

3 Lee, Memoirs, 169.

4 Mackenzie, Strictures, 48; Fanning, Narrative, 70; Clark, in Mag. Am. Hist., XXVIII., 415. Hamilton had been with the British previous to this. C.R. XV., 386.

5 Mackenzie, Strictures, 44.

6 C.R. XIV., 675, 676, 589.

7 C.R. XIV., 383, 609, 617.

8 Mackenzie, Strictures, 65; Draper, King's Mountain, passim.

9 Draper, King's Mountain, 170, 197, 298.

10 Ibid., 293, 297. Cf. Roosevelt, Winning of the West, II., 247, 267, 268.

11 Draper, King's Mountain, 298.

12 Ibid.

13 C.R. XV., 110, 378.

14 C.R. XV., 110; Roosevelt, Winning of the West, II., 286.

15 Van Tyne, American Revolution, Am. Nation, IX., 302. "This defeat must greatly dispirit the disaffected, and operate advantageously in our favor." Sumner to Penn., Oct. 12, 1780. C.R. XIV., 735. The depression of the British officers is evidenced by the changed tone of Rawdon's letters. Cf. Rawdon to his mother, Sept. 19, 1780 (Mag. Am. Hist., VIII., pt. 2, 497) with Rawdon to Clinton, Oct. 29, 1780 (Clinton, Observations, 39).

Early in October, some Tories led by Col. Gideon Wright and his brother Hezekiah assembled in Surry County in the region of the Sauratown Mountains, and marched southward through the Moravian settlements with the purpose of joining the British army.¹ First Whig reports declared them to be 900 strong; but, since they were scattered by 160 militia, Draper's estimate of 310 is perhaps too large.² Upper Surry was a Tory stronghold, and this check secured for a time more orderly conditions.³

In their plans for the renewal of the campaign in 1781, Clinton and Cornwallis again assigned a prominent role to the Loyalists, who, they felt, were numerous, and, reassured by a determined and successful invasion, would assert their strength.⁴ Cornwallis designated "the calling forth the loyalists of North Carolina" as "that great effort of our arduous campaign."⁵ At Hillsboro, February 20, 1781, he issued a proclamation, inviting all "faithful and loyal subjects to repair, without loss of time, with their arms and ten days' provisions, to the royal standard", promising them "the most friendly reception" and concurrence in the "reestablishment of good order and constitutional government."⁶ March 4, he recommended his officers and soldiers to treat the Loyalists with kindness "and to believe that although their ignorance and want of skill in military affairs may at present render their appearance awkward" with proper instruction they would show the same "ardor and courage" as the northern Loyalists.⁷ After the battle of Guilford, he renewed his solicitations;⁸ and moved his army to Bell's Mill on Deep River in an intensely loyal section. From there he marched to Cross Creek and then to Wilmington, hoping to receive Scotch accessions along the Cape Fear.⁹

But in regard to the attitude of the Loyalists, he expressed nothing but the keenest disappointment. Hundreds of them had visited the British camp "to talk over the proclamation, inquire the news of the day, and take a view of the King's troops.... Some of the most zealous professors of attachment.... promised to raise corps and regiments for the King's service; but their followers and dependents protesting against military restraint and subordination, numbers were never found to complete their es-

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1 C.R. XIV., 692.

2 Draper, *King's Mountain*, 483n; C.R. XIV., 428, 675, 676, 692-3, 790.

3 C.R. XIV., 123-124, 421.

4 "The plan that I had formed for the campaign of 1781.... was calculated to make a fair and solid effort in favour of our friends-- in a district where I had some reason to believe they were numerous and hearty." Clinton, *Narrative*, 7. "We will then give our friends in North Carolina a fair trial: If they behave like men, it may be of the greatest advantage to the affairs of Britain; if they are as-- as our friends to the southward, we must leave them to their fate, and secure what we have got." Letter of Cornwallis, Nov. 12, 1780, in Tarleton, *Campaigns*, 241.

5 Cornwallis to Germain, Mar. 17, 1781. C.R. XVII., 1001. See also Caruthers, *Incidents*, App., 298.

6 Tarleton, *Campaigns*, 256.

7 Caruthers, *Incidents*, App., 428.

8 Tarleton, *Campaigns*, 312-313; Mag. Am. Hist., VII., 45.

9 Cornwallis, *Answers*, *Introd.*, V., VI., 10, 11.

establishments."¹ Cornwallis stated that, after the battle of Guilford, he "could not get one hundred men in all the regulator's country to stay with us, even as militia."² The "North Carolina Volunteers" in the British army reached their maximum February 1, 1781; after that date they steadily decreased until May 1, 1781, when, numbering less than a hundred, they were appropriately re-named the "Light Company".³

The disinclination of the Tories to rally to the British standard is not surprising. All of their risings which had shown any promise of success had been decisively crushed at their inception. The Loyalists of the East had not forgotten Moore's Creek; those of the West remembered Ramsour's Mill.

Moreover, in February, 1781, there had been one more substantial response to Cornwallis' invitation; and this had met the usual fate. The people who resided between the Haw and Deep rivers were former Regulators and notoriously loyal. In September, 1780, Thomas Burke had predicted that these people "would not fail, when supported by the Enemy's post on the Yaddin, to spread devastation as far.... as Granville and Wake Counties".⁴ Cornwallis recognized this as a distinctly favorable region. Dr. John Piles, who had been in the Moore's Creek campaign and had afterward taken an oath of allegiance, acquainted Cornwallis with his intention to join him.⁵ The British general sent Tarleton to protect and assist the Loyalists.⁶ But before the junction could be effected, Piles and his men, numbering about 300, collided quite by accident with Col. Lee's dragoons; and the result was a wholesale slaughter of Tories, a slaughter so complete that eye-witnesses thought that practically all of the luckless Loyalists had been killed.⁷ This defeat was as effective as Ramsour's Mill had been, the people between the Haw and Deep rivers never attempting again to gather in any considerable force.⁸

It was natural that repeated defeats of this kind should thoroughly

- 1 Tarleton, Campaigns, 230, 231. 2 Cornwallis, Answer, 10.
3 Field returns of the Loyalist regiment in the British army follow:

ROYAL NORTH CAROLINA REGIMENT	
August 15, 1780,	228
NORTH CAROLINA VOLUNTEERS	
January 15, 1781,	250
February 1, 1781,	287
March 1, 1781,	282
April 1, 1781,	224
THE LIGHT COMPANY	
May 1, 1781,	33
June 1, 1781,	33
July 1, 1781,	33
August 1, 1781,	78
September 1, 1781,	79
October 1, 1781,	79
October 15, 1781,	98

- 4 O.R. XIV., 620. 5 Cornwallis, Answer, 10.
6 Tarleton, Campaigns, 232. 7 Ibid., 231; C.R. XVII., 1000.
8 See Schenck, North Carolina, 279. Lee says that 90 were killed and most of the survivors wounded. Memoirs, 257-259.
9 Schenck, North Carolina, 284; Johnson, Greene, I., 458. Fanning says: "We separated into small parties and took to the woods for some time." Narrative, 14.

dishearten the Loyalists. For four years, there had been no symbol of British authority in the state around which Loyalists might rally. They had lost confidence in the British.¹ Cornwallis' invasion, haltingly and hesitatingly made, was not of the kind to restore prestige and create enthusiasm. His victory at Camden, which attracted Loyalist accessions, was neutralized by the disaster at King's Mountain. After the battle of Guilford, his army was not an effective advertisement of British power.²

Moreover, the expectations of the British officers were exaggerated and unreasonable.³ In 1780, to anyone outside of Cornwallis' camp, the Loyalists were making a good showing.⁴ The Whigs were markedly disturbed. Had the Loyalists who rallied to John Moore, Samuel Bryan, Ferguson, the Wright brothers, and John Piles been properly instructed and guided with caution and foresight, they would not only have adequately reinforced the British army, but their success would have lent inspiration to a large number who were hesitating.

It must be admitted that the Tories were unstable. They frequently deserted, some complaining that they had been forced into the British ranks. Cornwallis' officers held them in contempt, and accused them of cowardice. In battle, it is true, they were not dependable, for they were raw and undisciplined recruits; but a sweeping charge of cowardice is hardly tenable.⁵

The Tories who did not enlist were useful to the British in a variety of ways, acting as guides and spies,⁶ collecting horses and cattle,⁷ furnishing provisions-- in some cases cheerfully, in others under compulsion--⁸ doing sentry duty,⁹ and caring for the wounded soldiers.¹⁰ The marauding expeditions of detached Tory bands demoralized the Whigs and were a powerful indirect aid to the British.¹¹

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1 This was Tarleton's view. Campaigns, 281.

2 "Such effort of loyalty could scarcely be expected from them after their past sufferings, when they saw his Lordship's army so greatly reduced.... and so scantily supplied with provisions...." Clinton, Observations.

3 Rawdon wrote to Clinton that, after the battle of Camden, "Not a single man, however, attempted to improve the favourable moment, or obeyed that summons for which they had before been so impatient." Clinton, Observations, 39-41. Evidently, he expected the Tories to rise en masse. Josiah Martin had already written from Camden that not less than 1100 Loyalists had joined the army. C.R. XV., 35.

4 C.R. XV., 35.

5 Johnson, Greene, I., 351; Lee, Memoirs, 268; C.R. XIV., 780.

6 C.R. XIV., 694, 712, 720; XV., 308; XVI., 377, 318.

7 Tarleton, Campaigns, 98. "Ferguson is to move into Tryon County with some militia whom he says he is sure he can depend upon.... but I am sorry to say that his own experience as well as that of every other officer is against him." Cornwallis to Clinton, Aug. 28, 1780, in Clinton, Observations, 22. The italics are his.

8 Tarleton, Campaigns, 94, 95; Roosevelt, Winning of the West, II., 288; Schenck, North Carolina, 240, quoting Gen. Joseph Graham; Hunter, Sketches, 228.

9 Allaire's MS Diary, in Draper, King's Mountain, App., 511; with Tarleton and Cornwallis cf. Mackenzie, Strictures, 26, 29 and Lamb, Journal, 365.

10 Lee, Memoirs, 202; C.R. XIV., 544; XV., 467, 487.

11 Ibid.

12 Tarleton, Campaigns, 228; Lee, Memoirs, 291.

13 C.R. XIV., 734.

14 Tarleton, Campaigns, 281.

15 C.R. XV., 423, 461; infra.

While the Loyalists were not constrained to flock to Cornwallis' standard, nevertheless, the campaigns of the regular armies left a condition of demoralization and license which greatly encouraged partisan warfare. It was not until after the departure of Cornwallis from the state that militant Loyalism, represented by the activities of Fanning, McNiell, and other partisan leaders, reached its high-water mark. Cornwallis marched north from Wilmington in the latter part of April, 1781. Greene had previously entered South Carolina. Thus the field was left clear; and, for a time, the Tories more than held their own.

There has been little disagreement among historians as to the character of this partisan war. A contemporary wrote: "Humanity would shudder at a particular recital of the calamities which the Whigs inflicted on the Tories and the Tories on the Whigs."¹ Gen. Greene wrote from the Deep River district in March, 1781: "Nothing but blood and slaughter has prevailed among the Whigs and Tories, and their inveteracy against each other must, if it continues, depopulate this part of the country."²

This bitter intestine strife was a natural outgrowth of the conditions in the state. In a country sparsely and heterogeneously settled, much of it living the frontier life, most of it having a low standard of religion, morality and respect for law,³ and, in addition, divided more or less evenly between the two parties,-- in such a country and in a period when government was visibly deranged and impotent, it was inevitable that self-control should be found lacking and a condition approaching anarchy develop.

The partisan war was incited on the one side by the British; on the other, by the Whig government. But most of it was spontaneous and local, with its own local characteristics. In the central counties, the bands led by Fanning, McNiell and Slingsby had regularly commissioned officers, and took and exchanged prisoners according to the rules of war.⁴ On the frontier, operations were more summary and cruel. The bands were smaller and often composed simply of criminals wearing the Tory mask.⁵ During this time of confusion, the numerous criminal element joined one party or the other, and pursued deliberately a systematic course of plundering and crime.⁶ Since the Tories were opposed to the de facto government; most of

¹ Ramsay, History, II., 469, cited by Eyerson, Loyalists, II., 65.

² Tarleton, Campaigns, 821.

³ "Dissipation and idleness are too predominant for either law or reason to control. The people live too remote from each other to be united by a principle of emulation.... What adds to the misfortune of this State is, morality is at a low ebb and religion almost held in contempt, which are the great pillars of good government and sound policy. Where these evils prevail the laws will be treated with neglect and the magistrates with contempt." Diary of Gen. Greene, Sept. 8, 1783, in Greene, Greene, III., 504.

⁴ Fanning, Narrative, 13.

⁵ O.R. XIV., 182-3; Draper, King's Mountain, 341.

⁶ Ibid., 184-185.

the criminals probably adhered to that side¹

The Tory bands were usually wholly unorganized and extremely volatile. One day they were off on a raid; the next, they were dispersed and at their homes or in their fields.² In correspondence with the ebb and flow of Loyalism, the Whigs organized local corps of minute-men who served on "tours" of ten or twelve days duration.³ Skirmishes were frequent, and, beyond a few deaths, usually without any effect on the general situation.⁴ As marks of distinction, the Tory wore a strip of red cloth or a sprig of pine in his hat; the Whig, sometimes a piece of white paper.⁵ Animositities were bitter, and divided not only neighborhoods but families.⁶ Reprisals were prompt; a successful excursion was customarily followed by summary hangings or, at least, by vigorous whippings.⁷ Crime of the basest sort was committed on both sides.

The non-combatants had to endure many hardships. There are stories of Whigs who cultivated their crops at night, and of Tories who secreted themselves in caves in the woods and lived on scorns.⁸ Extreme conditions of this kind, however, were not general.

If we are to judge from their own operations rather than from contemporary Whig opinion, the primary purpose of the Tory colonels was not to carry on a series of plundering raids, but to assist in the restoration of British rule. They were regularly commissioned by Maj. Craig at Wilmington;⁹ the British supplied them with arms and ammunition;¹⁰ they attempted to secure recruits for Cornwallis;¹¹ they gained nothing personally and, in some cases, lost much by their activity;¹² and they followed the ethics of war at least as conscientiously as their Whig opponents.¹³ Of a rough type at the best, their employment and environment tended to brutalize them still more. Nevertheless, they were not able to discern the ultimate result of the struggle. In their isolated situation, they had much reason to think that they might win back North Carolina. In any event, we can see rather clearly that their policy was constantly to augment their forces and to observe more regular procedure.¹⁴ Their way

1 Ibid., 239-42. Roosevelt, *Winning of the West*, I., 275. C.R. XXII., 541.

2 C.R. XIV., 671.

3 C.R. XXII., 125.

4 Fanning, *Narrative*, *passim*.

5 Carrington, *Battles*, 499; Caruthers, *Incidents*, 76, 252; C.E. XIX., 960; Hunter, *Sketches*, 211.

6 Ibid., 218, 295; Roosevelt, *Winning of the West*, II., 282.

7 Fanning, *Narrative*, *passim*; Schenck, *North Carolina*, 69, 309; Stedman, *History*, 848n, 849n; cf. Lee, *Memoirs*, 294n, 295n, 296n.

8 Fanning, *Narrative*, *passim*; C.R. XVI., 210, 212.

9 Caruthers, *Incidents*, 287; C.R. XXII., 548; XV., 461.

10 Stedman, *History*, II., 848n, 849n; cf. Lee, *Memoirs*, 294n ff.

11 C.R. XXII., 546; Fanning, *Narrative*, 17, 19-20.

12 Ibid., 30.

13 Ibid., 13, 15.

14 Ibid., 28, 64.

15 Ibid., 32.

16 Fanning began his operations as a colonel in July, 1781, with 58 men; a month later he had 225; in September, 950. These figures are Fanning's and are probably exaggerated; but they are correct for purposes of comparison. In August, 1781, a Whig wrote: "They are not so much charged with Plundering as disarming, and, as they say, informing the People." C.R. XXII., 563.

of waging war seems petty and contemptible to us; to them, it was the only possible mode.

In July, 1781, militia commissions were issued to the counties of Randolph, Chatham, Orange, Cumberland and Anson.¹ Fanning was appointed colonel of the first two counties;² Hector McNiell, John Slingsby, Duncan Ray and McLaurin Calvil commanded militia raised in Bladen County;³ Archibald McDugald led the Cumberland Tories;⁴ for the other counties colonels were not commissioned.⁵

Of these leaders, David Fanning was the ablest, the most aggressive, and the most ruthless.⁶ He was the only active Tory who showed marked intelligence and energy. His sense of strategy was keen, and is shown by the frequency with which he struck at vital parts of the Whig governmental machinery.⁷ He drew up "Rules and Regulations for the well governing the loyal Militia of the Province of North Carolina."⁸ To those persons he "was dubious of" he offered a Test, they swearing to be faithful to the King, to keep their arms in order and, when called, to assemble within eight hours, and to make known Whig plots within six hours, "if health and distance permit".⁹ Finally, at the height of his success, he warned all persons not repairing immediately to camp that their property would be confiscated and their persons confined.¹⁰

In August and September, 1781, the Tory bands reached their greatest strength. They recaptured Cross Creek, August 14;¹¹ and an alarmed Whig estimated that, combined, the Tories might number 2000.¹² August 20, the Tories had practically uninterrupted command of the extensive territory comprised in the present counties of Bladen, Cumberland, Moore, Harnett, Randolph and Chatham.¹³ Fanning and McNiell, with about 500 followers, entered Hillsboro, September 12; and, with almost no opposition from the militia stationed there, captured Gov. Burke, secured at the same time several other important Whigs, and released about thirty imprisoned Loyalists.¹⁴

1 Fanning, Narrative, 19-20. 2 Ibid., 17.

3 Ibid., 30, 31, 37; C.R. XXII., 546, 549.

4 Fanning, Narrative, 37.

5 Ibid., 19-20.

6 Van Tyne classes him with Oliver DeLancey, Maj. Robert Rogers and Col. Simcoe. Loyalists, 163n. A Whig captain wrote, Feb. 28, 1782: "It would make you almost shed tears to see the barbarity of them wherever they go". C.R. XVI., 210. He was charged with "cutting and barbarously murdering women". C.R. XVI., 212, 228. On the other hand, ten Whig prisoners testified, July 22, 1781, that they had been "treated with the greatest civility and with the utmost respect and politeness by our Commanding Officer, Col. Fanning, to whom we are under the greatest obligations". C.R. XXII., 550.

7 E.g., the capture of Gov. Burke. See also Fanning, Narrative, 23, 24, 31; C.R. XV., 557, 610; XVI., 208, 234; XXII., 557.

8 Fanning, Narrative, 24-26.

9 Ibid., 27.

10 Ibid., 32.

11 C.R. XXII., 566, 570, 1047.

12 C.R. XV., 610. This estimate was probably about three times too large. See C.R. XXII., 566, 570.

13 C.R. XV., 612; XXII., 568.

14 Fanning, Narrative, 22; C.R. XVI., 12-13. Burke had been warned a month before that he was "Fanning's object". C.R. XV., 610.

This stroke increased the demoralization of the Whigs and stimulated the Tories to continued exertions.¹

During the greater part of 1781, the paralysis of the Whig government in the whole south-eastern section was complete. With a force of about 400 British and a variable number of Tories, Maj. Craig held Wilmington from January 28 to November 18; kept in touch with the interior Loyalists; and ravaged the country in all directions, marching with little hindrance as far north as Newbern and Kingston.² During Craig's occupation, William Hooper wrote that Thomas Maclaine and John Huske were "the only two of all the inhabitants of Wilmington who have refused to sign a petition to be admitted to a dependence upon Great Britain."³ Gen. Drayton heard that out of fifteen companies in Bladen County twelve inclined to Craig.⁴ Gen. W. Caswell reported that "Some Gentlemen of Character received the British in New Berne with much seeming satisfaction and pleasure."⁵ He despairingly wrote in August that almost all of the inhabitants below Kingston would be glad to join Craig, and that for his own force he would have to depend wholly on the three counties of Pitt, Wayne and Johnston.⁶ The Whigs were utterly exhausted; and, while they knew that the best way to silence the Tories was to rout the British from Wilmington, they were unable to raise or move the necessary men.

In the battle of Elizabethtown, August 29, 1781, the Tories were decisively defeated. In September and October, they were driven from Raft Swamp and other strongholds;⁷ and, with the news of the surrender of Cornwallis, the Whigs gradually gained the upper hand. Yet, as late as March 27, 1782, Tories were reported to be calling musters in Bladen County and sending plundering parties into Brunswick;⁸ and Fanning did not cease his depredations until May.¹⁰ In November, 1784, a half-dozen outlawed Tories were still under arms and causing trouble in Newbern district.¹¹

In view of the sectional tendencies and the pre-Revolutionary events in North Carolina, the geographical distribution of Loyalism is especially interesting. If a line were drawn from Newbern to Hillsboro, we could say that none of the territory north and east was disturbed very seriously.

¹ "I fear all things will get into confusion from this untoward event." Greene to Sumner, Sept. 25, 1781. C.F. XV., 644; Johnson, Greene, II., 444; Greene, Greene, III., 414.

² Estimates of the Tories range from 25 to 500. C.F. XV., 496, 569; XXII., 539, 565, 568, 593.

³ Hist. Mag., Nov., 1868.

⁴ C.R. XV., 511, 513.

⁵ C.R. XXII., 598.

⁶ C.R. XXII., 568, 569.

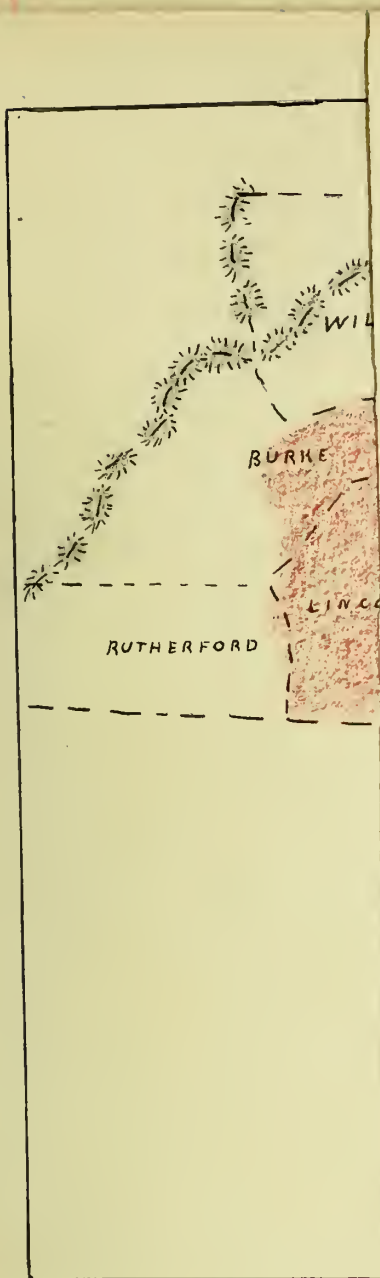
⁷ C.R. XV., 605.

⁸ Caruthers, Incidents, 368, 370; Hunter, Sketches, 231, 295; C.F. XV., 590; XXII., 126.

⁹ C.R. XVI., 250.

¹⁰ Fanning, Narrative, 56, 59, 61.

¹¹ C.R. XVII., 106; XIX., 622.



Caswell, July 31, 1777.

2 The attitude of Mecklenburg County is so well-known that it needs no citations. For glimpses of Loyalism in the county, see C.R. XIV., 132, 133. Rowan County, also, had no aggressive Tory element. C.R. XII., 862.

3 C.R. XIII., 288; Draper, King's Mountain, 170, 241.

4 Ibid., 241; Caruthers, Incidents, 260; C.R. XIV., 132, 133.

5 Caruthers, Incidents, 264; C.R. XI., 372; XIV., 421, 626.

6 Caruthers, Incidents, 32-38; Johnson, Greene, I., 262; Draper, King's Mountain, 350.

7 C.R. IX., 329.

8 C.R. X., 230.

9 Draper, King's Mountain, App., 511.

10 Johnson, Greene, I., 260.

11 Caruthers, Incidents, 178.

12 C.R. XII., 128; XIII., 659, 660.

13 Caruthers, Incidents, 292, 296, 297.

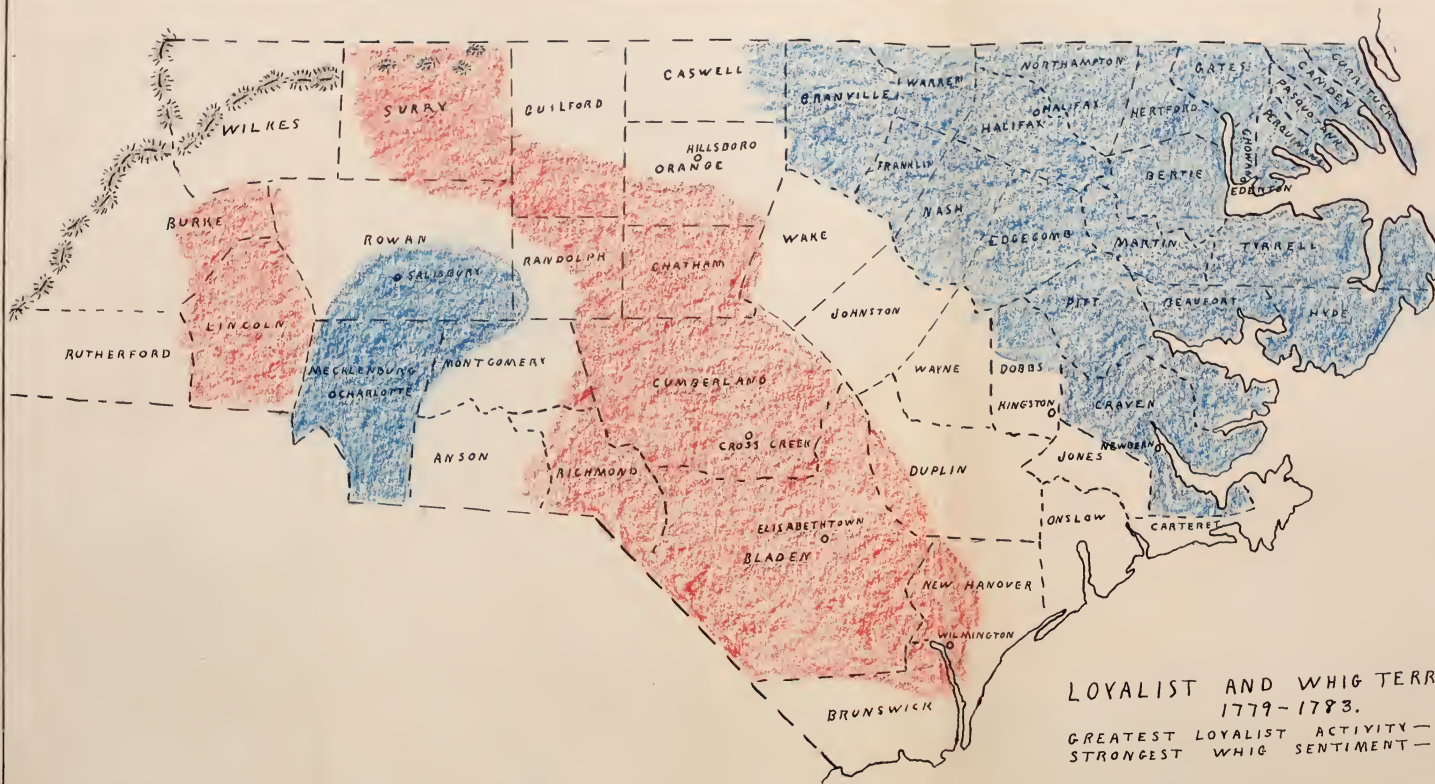
14 C.R. XVI., 12, 18.

15 C.R. XVI., 203; XXII., 562.

16 C.R. XIV., 376, 381; XV., 555; XXII., 550.

17 C.R. XIV., 609, 665; XV., 11.

18 C.R. XXII., 542.



LOYALIST AND WHIG TERRITORY,
1779-1783.

GREATEST LOYALIST ACTIVITY — RED.
STRONGEST WHIG SENTIMENT — BLUE.

or very frequently by Loyalist manifestations. If this region were further divided by a line drawn from Edenton to Halifax, we could say that in the region north and east of this line Loyalism was absolutely negligible. This long-settled region in the shadow of Virginia was the "God's country" of the North Carolina Whigs.¹ Mecklenburg, in the West, bore a similar, though not an absolutely spotless, reputation.²

The mountain settlements were predominantly Whig; but the frontiersmen had to cope with the Tory as well as the Indian.³ In the semi-mountainous counties of the West there was much lawlessness.⁴ Both Tryon (Lincoln) and Surry counties contributed Loyalist movements of considerable strength. In Surry, the majority of the people appear to have been loyal.⁵ This county contained the Moravian settlements which were not only professedly neutral but covertly pro-British.⁶ Martin visited these settlements in 1772 and noticed their "virtuous industry" and "perfect economy".⁷ The Whigs had difficulty with them in 1775.⁸ Passing through Salem in 1780 as a prisoner of the Whigs, Col. Allaire wrote in his diary: "The people of this town are all mechanics; those of the other two Moravian settlements are all farmers, and all staunch friends to Government."⁹

As a sect, the Quakers were similar to the Moravians; but they were not segregated. Their political attitude was neutrality with distinct Loyalist leanings.¹⁰ A tradition says that a party of them went in 1781 "to pay their respects to friend Cornwallis, and tell him that they were a peace-loving, sober, quiet people, having no enmity to him or the British government"; yet, Col. Washington, who met them on the way, found them harboring a "noted Tory".¹¹ There was, naturally, considerable friction between the Quakers and the Whigs.¹²

The old "back counties", embracing Guilford,¹³ Orange,¹⁴ Randolph,¹⁵ Chatham,¹⁶ and Anson,¹⁷ with the Highland Scotch county of Cumberland,¹⁸ con-

¹ "We have never yet had reason to doubt any person in this County (Chowan) Perquimans, Pasquotank, or Currituck having any hand in the conspiracy at least none are yet impeached or even suspected. Smith to Caswell, July 31, 1777.

² The attitude of Mecklenburg County is so well-known that it needs no citations. For glimpses of Loyalism in the county, see C.R. XIV., 182, 188. Rowan County, also, had no aggressive Tory element. C.R. XII., 262.

³ C.R. XIII., 283; Draper, King's Mountain, 170, 241.

⁴ Ibid., 241; Caruthers, Incidents, 260; C.R. XIV., 182, 183.

⁵ Caruthers, Incidents, 264; C.R. XI., 372; XIV., 421, 626.

⁶ Caruthers, Incidents, 32-33; Johnson, Greene, I., 262; Draper, King's Mountain, 350.

⁷ C.R. IX., 329.

⁸ C.R. X., 280.

⁹ Draper, King's Mountain, App., 511.

¹⁰ Johnson, Greene, I., 260.

¹¹ Caruthers, Incidents, 178.

¹² C.R. XII., 128; XIII., 659, 660.

¹³ Caruthers, Incidents, 292, 296, 297.

¹⁴ C.R. XVI., 12, 13.

¹⁵ C.R. XVII., 203; XXII., 568.

¹⁶ C.R. XIV., 276, 281; XV., 555; XXII., 550.

¹⁷ C.R. XIV., 609, 665; XV., 11.

¹⁸ C.R. XXII., 345.

prised the strong loyal section of the state.¹ This territory, with the swarpy country along the lower Cape Fear, was the chief theater of the partisan war. The Tory stronghold was eastern Randolph, the Deep River country.² This neighborhood was Fanning's headquarters and unfailing refuge in time of trouble.³ Cross Creek was difficult to hold; but was, throughout the war, a village of Loyalists.⁴

Bladen County was a battle ground.⁵ It lay along the Cape Fear between Wilmington and Cross Creek; it was adjacent to Marion County, the Tory zone of South Carolina;⁶ and, finally, it abounded in swamps, which were exceedingly useful both for rendezvous and fighting.⁷ Duplin County was like Bladen in topography, but was much less troubled with Tories. Wilmington, on account of its trading interests, had normally many loyal inhabitants; and its occupation by Maj. Craig made its Tory element relatively still stronger.

In the remaining eastern counties, Tory manifestations prior to 1781 were prompted in most cases by resistance to the draft.¹⁰ In 1781, many of the inhabitants of the lower eastern coast counties became nominal Tories, in order, probably, to protect themselves and their property.¹¹

The attitude of the Germans, who were settled in considerable numbers in the western counties, should, perhaps, be mentioned more specifically. They were peaceable and law-abiding, devoted to their agricultural pursuits, and taking little interest in politics. As a rule, they were not conspicuous on either side; many, through illiteracy and ignorance of the English language, were unable to take an intelligent position in the contest.¹²

On the whole, Loyalism appeared during the last years of the war to be stronger than at the beginning. This apparent strength seems to have been due to three things: first, the incitement and presence of the

1 C.R. XI., 568; XII., 46.

2 C.R. XIV., 568, 620, 738; XV., 460, 464, 535; XVI., 202, 217; XVII., 557; Caruthers, Incidents, 258.

3 Fanning, Narrative, passim.

4 Lamb called Cross Creek a "village of loyal Highlanders". Journal, 259.

5 C.R. XIV., 368, 367, 361, 384; XV., 412, 428, 487, 488, 487, 485, 511; XXII., 548, 544, 546, 585.

6 C.R. XVI., 467.

7 For the topography of Bladen County, see North Carolina and its Resources, 208. For the use of swamps by the Tories, see C.R. XV., 525; XVII., 250; XXII., 548, 592. "The swamps themselves, and also the country around them, seem conducive rather than prejudicial to health--- the timber-getters,... appearing to be peculiarly exempt from malarial poisons". North Carolina and its Resources, 120. Cf. Greene, Greene, III., 9.

8 C.R. XV., 490.

9 C.R. XI., 591; Hist. Mag., Nov., 1868.

10 C.R. XI., 490, 551; XIV., 184, 196, 197; XV., 490; XIII., 128, 295.

11 C.R. XV., 461, 467; XXII., 568, 569, 598.

12 Extracts from Welker, Early German Reformed Settlements in North Carolina, in C.R. VIII., 727-738. C.R. XIX., 360.

British; second, the exhaustion of the Whigs; third, the development of intense party hatreds and a condition of semi-anarchy, making possible the operations of certain more or less effective Tory bands. The Loyalists were unwilling to trust themselves to the leadership of Cornwallis; and, in their own ranks, intelligent organization and direction were still, with the possible exception of David Fanning, hopelessly lacking. Partisan warfare, characterized by destructive raids and petty battles, reached its climax in the Summer of 1781. Thereafter, Loyalism was no longer a serious factor.

V.
ANTI-TORY MEASURES UNDER THE CONSTITUTION,
1776-1785.

The anti-Tory measures adopted during the first two years of the war were, with slight modifications and additions, continued to the end. After 1776, however, the Whigs abandoned attempts to conciliate and convert the Loyalist, ceasing, accordingly, the circulation of pamphlets and the holding of public meetings. The Revolutionists continued to rely mainly on the Test, disarming, imprisonment and deportation; but were soon forced to add more vigorous measures-- the death penalty for treason, confiscation of property, and summary punishments by militia officers.

The new machinery set in motion by the adoption of the Constitution, in so far as it affected the Tories, consisted of an Assembly, a Governor, a Council of State, justices of the peace, and militia officers.¹ The executive would appear to be the strong anti-Tory arm of the government; but, as a matter of fact, he could do little without the concurrence of the legislative branch. He was obliged constantly to ask the advice of his Council²; and the proceedings of this body were subject to review by the Assembly.³ The legislature was empowered and expected to deal with practically every phase of Loyalism.⁴ What power the Governor exercised in this field arose from his command of the militia⁵, from the circumstance that local officials reported to him,⁶ from his personal influence, and from the fact that a state of war makes some unified central authority imperatively necessary.⁸

The legislative acts affecting the Loyalists may be divided roughly into two groups: first, those which affected their persons; second, those which affected their property. The legislation of the first group was more strictly coercive, and more immediate both in its necessity and in its effect.

The trend of anti-Tory legislation was foreshadowed by three ordinances passed by the Constitutional Convention.⁹ The first empowered the Governor to issue a proclamation "requiring all Persons who have at any time, by taking arms against the Liberty of America, adhering to, comfort-

1 Constitution. C.R. XXIII., 980, *passim*.

2 C.R. XI., 586; XII., 48, 145, 255; XIV., 321.

3 Constitution.

4 Ibid.; C.R. XIII., 307; XIV., 208; XVII., 10.

5 Constitution.

6 C.R. XVI., 949.

7 C.R. XIII., 145; XIV., 176; XV., 610.

8 These ordinances are in C.R. XXIII.

6 Executive letters, *passim*.

ing or abetting the Enemies thereof, or by words disrespectful, or tending to prejudice the Independence of the United States of America, or of this state in particular, to come in before certain Days therein mentioned," and take the Oath.¹ The second ordinance defined treason and misprision of treason.² The third declared that any person who shall "assert publish or maintain" Loyalist doctrines "or shall knowingly and willingly depreciate the Bills of Credit" shall be guilty of a misdemeanor.³ These ordinances, therefore, prescribed a Test, and placed the ban of the law not only on the bearing of arms but on Loyalist speech and publication.

Among the bills passed early in the first session of the Assembly was one entitled: "An Act for declaring what crimes and practices against the State shall be Treason and what shall be misprision of Treason and providing punishments adequate to crimes of both classes and for preventing the dangers which may arise from Persons disaffected to the State."⁴ This statute, with its amendments, represents the well-matured Whig attitude toward the Tory. It was commonly called the "Tory Act", an appropriate designation, containing as it does the substance of the Whig policy toward the Loyalists.⁵ After elaborately defining treason and misprision of treason, the law provided "that all the late officers of the King.... and all persons,... who have traded immediately to Great Britain of Ireland within ten years last past" should take an oath or affirmation of allegiance or depart the state. Justices of the peace were given power to issue citations; and persons failing to appear or refusing to take the oath were to be ordered to leave the state within 60 days. Failing in this, the justices might "send the person so offending as speedily, as may be, out of the State either to Europe or the West Indies at the cost and charge of such offender". Persons returning were to be adjudged guilty of treason.

Partly on account of its limited application, the justices found it difficult to execute the law; and, in the November session of the Assembly, a clearer amended law was passed, providing "That the County Court of each respective County which shall sit after the last day of February, shall divide the County into several Districts, in which of which shall reside one or more Justices of the Peace, which said Justices.... are hereby enjoined and required to administer such Oath of Allegiance or Affirmation.... to all free Male Persons above Sixteen Years of Age....", the names of those taking the oath to be entered in a book. Those refusing the oath might be forcibly deported or permitted to remain at the discretion of the justices. Those permitted to remain were disfranchised and shorn

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1 C.R. X., 982, 988.

2 C.R. XXIII., 998.

3 The Act is in C.R. XXIV., 9-12.

2 C.R. XXIII., 997.

4 C.R. XI., 769. Passed May 9, 1777.

of their legal privileges. The "Tory Act", as amended, remained in force until 1788.¹ From time to time, the Assembly passed supplementary acts to meet special exigencies, without changing any important provisions.²

Local administration was assigned to the justices of the peace and the militia colonels. The sheriffs and constables had no initiative; and were appointed by the justices, frequently from their own number.³

By the amended "Tory Act", the justices were given extraordinary powers, not only in the administering of the Test, but also in the disposition of the confessed Tory. In 1778, any two justices in the counties of Guilford, Anson, Cumberland and Bladen were given power to order out the militia to assist the civil officers.⁴ In 1779, the Assembly resolved "that it be recommended to the justices of the Peace of the respective Counties to seize and secure, and even to place at a distance from their places of residence, all disaffected persons who.... may be justly suspected of a disposition to carry (loyal) sentiments into execution, and that they may be empowered also to order the Sheriff, with a posse Comitatus, to disarm all persons from whom any injury to the public safety is to be apprehended".⁵

In the nature of the case, the justices were arbitrary in the exercise of their power. They do not seem to have been very carefully appointed, not all being men of undoubted Whig principles. John Llewellen was appointed a justice in November, 1776;⁶ in September, 1777, he was convicted of high treason. But the sins of the justices were not sins of omission. They undoubtedly made a determined effort to execute the letter of the law. On the other hand, many of them, suddenly given much discretionary power, became possessed of an overweening opinion of their own importance.⁷ Trustworthy Whigs complained of their conduct, charging them with deliberately misinterpreting the law, with extreme injustice, and with using their offices to satisfy political and personal animosities.⁸ In many cases these charges were well-founded; but, on the other hand, a perfect administration of the laws could scarcely be expected of men of mediocre ability suddenly entrusted with unusual and critical duties in a time of passion and distorted views.

The justices were most active in 1777, 1778 and 1779. The demoralization of subsequent years made them powerless without the constant support of the militia.¹¹ Their powers fell into abeyance; and, as executors of the law, they were practically superseded by the militia officers.

1 Passed Dec. 28, 1777. C.R. XII., 251. In C.R. XXIV., 87-89.

2 C.R. XXIV., 848, 894, 896.

4 C.R. XII., 911.

6 C.R. XXIII., 994.

8 C.R. XI., 606, 656, 780; XIII., 446.

10 C.R. XI., 626-680, 744, 746.

11 During 1780 and 1781, the justices make few appearances in the Records. Typical references are C.R. XIV., 462; XXII., 545.

The smaller movements of the militia were authorized by the colonels themselves¹ or by justices of the peace.² The larger movements, for the purpose of suppressing serious risings, were initiated by the Brigadier-Generals,³ the Governor,⁴ the Board of War,⁵ or by special resolution of the Assembly.⁶ When Gates and Greene were in the state, they also recommended steps for the military suppression of the Tories.⁷ Nevertheless, the militia colonels constantly found it necessary to follow their own judgment and sometimes to disobey orders.⁸ The detachments that were sent against the Tories usually consisted of twenty-five to fifty light horse, a body small enough to be exceedingly mobile and large enough to command respect.⁹ They were expected to act in cooperation with the civil authorities, to assist in the collection of taxes, and to protect Whig property. They were usually instructed simply to "scour disaffected neighborhoods", a process which implied the capturing of Tory leaders, a general disarming, more or less terrorizing, the taking of inventories, and considerable confiscation.¹⁰ With increasing Tory activity and Whig demoralization, the militia became arbitrary in their conduct and were intensely hated by the Tories and condemned by many Whigs.

In the Act of May, 1777, deportation was to apply only to the office-holding and trading classes. Naturally, the enforcement of the act was restricted to the chief trading centers of the state, the justices of Cross Creek, Wilmington, Newbern, Edenton and Halifax being most active. The justices of Cross Creek, partly because of local personal and political rivalry, were exceedingly zealous. An eminently trustworthy Whig of Cumberland County, who, however, was a leader of one of the local factions, complained in September that the justices were citing people indiscriminately and paying no regard to the law.¹¹ One poor countryman going home with a load of salt had to go back twelve miles and was then thrown into jail for refusing to take the Oath except in his own neighborhood.¹² The jail at Cross Creek was crowded with Tories.¹³ One

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1 C.R. XI., 560-561.

2 C.R. XII., 775, 811, 622; XIII., 734e, 724f.

3 C.R. XI., 546; XIV., 122-3, 692.

4 C.R. XI., 535; XIV., 169-70, 319; XVI., 280.

5 C.R. XIV., 376, 381, 383, 427, 482, 464.

6 C.R. XII., 775; XIII., 734b, 734c, 643, 644.

7 C.R. XIV., 611, 669, 392.

8 C.R. XIV., 391, 462, 468.

9 C.R. XIV., 381; XV., 461, 555; XXII., 557.

10 "Whoever are found in Arms should be severely dealt with-- I mean in action-- and not after they are Prisoners, as I think a spirited Conduct for some time necessary to quell the Tories and keep them in awe". Board of War to Col. Ramsey, Sept. 18, 1780. C.R. XIV., 381, 383, 482.

11 "Those that refused taking the State oath, were not bound in security to leave the country in 30 days.... but were compelled to take an oath to leave it. Many of them would have taken the State oath upon a little deliberation, but were tied down by their oath to go away, thus they had no time for repentance." Rowan to Caswell, Sept. 18, 1777. C.R. XI., 629.

12 C.R. XI., 629.

13 C.R. XI., 630.

over-zealous justice attempted to send a Tory to Charleston in an open whale-boat.¹ The Anson justices, also, misinterpreted the law, complaining that their jail was too small to hold the Tories that they wanted to commit.² Many of the better class of Tories refused to take ^{the} Oath and left the state.

This law, in its practical application, quickly proved unsatisfactory. It did not reach the most dangerous Tories. The Whig legislators saw three difficulties in the law: first, the confusion in the method of making citations; second, the fact that "divers persons.... from not incurring particular Suspicion,... have escaped being cited;" and, third, "the Difficulty or Impossibility of procuring Vessels to transport all such Recusants beyond Sea".³

The amended "Tory Act" of December 23, 1777, was an improvement in that it was designed to reach all classes of Tories; but it was not widely or successfully enforced. In the strong Tory counties of the interior its enforcement was probably not attempted. There is no record of any provision being made for certificates until 1778.⁴ The records which we have of the enforcement of the act are from those counties in which the Whigs were in a safe majority. In ten districts of Granville County, only 27 "refused or neglected" to take the Oath out of 732.⁵ Probably very few Tories were deported under this act.⁶

In view of the well-known and admitted neutral attitude of the Moravians, the Senate proposed in 1778 that members of that sect should be required simply to renounce fidelity to the King as they were constantly "sending out Missionaries to propagate the Gospel in foreign parts where they cannot continue subjects of this State".⁷ But, the House of Commons dissenting, it was resolved that all "Quakers, Moravians, Dunkers and Mennonists" should take the affirmation prescribed by law before the next session of the Assembly.⁸ More difficulty must have occurred, however, for at the next session a bill was passed prescribing an affirmation for those sects.⁹

This bill is chiefly important, however, because in it the Whigs acknowledged the failure of the amended "Tory Act". Inasmuch, they declared, "many ignorant, though good subjects of this State, have not taken

1 C.R. XI., 798.

2 C.R. XI., 655.

3 Preamble to Act of Dec. 23, 1777, C.R. XXIV., 87. Also C.R. XI., 618, 758.

4 C.R. XII., 603.

5 C.R. XXIII., 188-179. One justice testified that "no Inhabitant of Island Creek District refused to take the State Oath (that I know of) but Zephaniah Clemons & Senior Clemons and it appeared to me they refused only thro' a consciousness of swearing at all."

6 There is no evidence of further legal deportation. Moreover, after the removal of the propertied men, the state would have had to bear the expense of deportation.

7 C.R. XII., 793.

8 C.R. XII., 809.

9 C.R. XIII., 589; XXIV., 219.

the Oath of Allegiance; owing to the neglect of the Justices of the Peace in many Counties", if, therefore, they would take the Oath before May 1, 1779, they would be "admitted to all the Rights, Immunities and Privileges of Citizens".¹ The Whigs, without making specific mention in the title, embodied this procrastinating provision in a final section of the act, as if by an afterthought or with the intention of concealing their administrative weakness.

In the correspondence of 1780 and 1781, the Test is rarely and only casually mentioned. It is clear that during these years it was no longer depended upon, except as fixing a qualification for the suffrage.² The operations of the British army rendered deportation also obviously impossible.

After Cornwallis' surrender at Yorktown and the evacuation of Wilmington by Maj. Craig, the Whigs ordered the families of absentee Tories to leave the state. This measure fell most heavily on the district of Wilmington. It was the intention of Governor Burke that the order should be executed with caution and humanity, with proper regard for the circumstances and feelings of individuals.³ Nevertheless, the measure bore severely upon women and children, and was decidedly repugnant to those who witnessed and aided in its execution.⁴ It is impossible to tell how thoroughly the order was carried out; but, in any event, Wilmington public opinion, never very strongly partisan, must have alleviated much of the suffering of the banished families.

Disarming after 1776 was continued as an essential policy needing no justification or special legislation. It was usually entrusted to the light horse;⁵ but sometimes it was assigned to the sheriffs under the order of the justices.⁶ It was undertaken with little system or cooperation.

The requisitioning of supplies by military officers, while confiscatory, was also a regulative and coercive measure. The requisitioning of cavalry horses was considered a necessary precaution, akin to disarming.⁷ Other levies possessed a penal purpose.⁸ Contributions to the commissariat, willingly given; were held to indicate "attachment to the American Cause"; and persons so contributing were given a protecting certificate.⁹

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1 C.R. XXIV., 219.

2 C.R. XIV., 353. 354.

3 C.R. XVI., 182. 314.

4 21 Wilmington women presented a strong protest to the Governor and Council, saying, "It is beneath the character of the independent State of North Carolina to war with women and children". C.R. XVI., 469. Also, XVI., 347, 348; XV., 786.

5 C.R. XI., 541; XII., 77b; XIII., 646, 644; XIV., 169-170, 385.

6 C.R. XIII., 734e, 734f.

7 C.R. XIV., 285.

8 C.R. XIV., 446; XV., 632.

9 C.R. XIV., 523.

Imprisonment of Tories continued in much the same way as during the transitional period. Tories were generally confined at the instance of justices or militia officers;¹ their disposition afterward was controlled by the Assembly.² In March, 1777, Gen. Allen Jones was directed to concentrate at Halifax all of the prisoners in the state.³ Thereafter, most of the Tory prisoners were confined at that town or in the jails of the other Whig counties of the north-eastern section.⁴

The number of prisoners constantly increased; and, finally, the guarding and provisioning of them became an embarrassing problem. The jails were small and unsanitary; and there was much sickness among the prisoners and the guard.⁵ Governor Caswell, in May, 1777, recommended sending the captives northward; and the Senate agreed with him, giving as one reason that a prisoner had been discovered "persuading some of the Continental Soldiers to desert".⁶ But the House of Commons was of a different opinion; and it is probable that, at this time, few prisoners were taken out of the state.⁷ The Commons, however, were in favor of "the enlargement of sundry persons.... now prisoners confined in gaols or on parole in different parts of America"; but the Senate could not "consent that such prisoners be enlarged, looking on them to be dangerous enemies to this State.... and the United States".¹⁰

During the military operations of 1778 and the years following, many prisoners of war were sent into North Carolina, these consignments including not only British soldiers but also Tories from the two Carolinas.¹¹ The British prisoners were suspected of "insidious attempts to disaffect the subjects of this State or to remove their Slaves".¹² Several paroles were broken, and many prisoners escaped.¹³ In July, 1781, Governor Burke stated to his Council that crowded jails were a universal evil in the state.¹⁴

According to the several acts defining treason, Tories in armed resistance to the Whig government were, technically, traitors and might suffer the death penalty.¹⁵ Convictions and executions under this act began immediately;¹⁶ but, during 1777 and 1778, treason trials were few and

1 C.R. XI., 626, 626, 629, 630, 656; XIII., 734e, 734f; XIV., 611.

2 C.R. XII., 90, 81, 91, 92, 95, 121, 292, 305, 374; XIII., 734e.

3 C.R. XI., 410.

4 C.R. XIV., 20, 25, 26, 112, 415, 437, 671, 697; XV., 38.

5 C.R. XI., 630, 656, 793.

6 C.R. XI., 444.

7 C.R. XII., 80, 81.

8 C.R. XII., 95.

9 Cf. C.R. XI., 482.

10 C.R. XII., 81, 92.

11 C.R. XIV., 25, 26, 112, 582, 671, 677, 678; XV., 438. A squad of prisoners sent to Newbern in Oct., 1780, included 6 South Carolina Tories, 4 British soldiers, 1 North Carolina Tory, 2 militia deserters, and 1 "lying" Tory.

12 C.P. XIV., 697.

13 C.R. XIII., 734e.

14 C.R. XIV., 182, 187; XV., 69.

15 C.R. XIX., 661.

16 March, 1777.

C.R. XXII., 507, 508.

isolated.¹ During the remaining years of the war, however, the presence of the enemy made treason rampant.

Many Tories joined the British and were afterward captured by the Whigs; and what to do with these Tories became a perplexing question. It was at first the intention uniformly to reserve them for trial by criminal law.² On account of the increasing number of such prisoners, however, it was recognized that to hold them all for trial was impracticable. After his victory at Ramsour's Mill, Gen. Rutherford issued a proclamation of pardon and dismissed his prisoners.³ The men in the field urged the Governor to proclaim a general pardon as an effective means to reduce active loyalty.⁴ Gen. Gates issued a circular in the Summer of 1780 offering Tories "Forgiveness and Security provided they have not taken part against the Friends of America, and are willing to testify their Affection.... by joining heartily when called upon".⁵

By this time, it was becoming customary to release on slight security ordinary Tories charged with treason.⁶ In October of 1780, the Whigs began to pardon Loyalists on condition of enlistment in the Continental army or the state militia. This new measure may be attributed probably to the Loyalist subsidence after the battle of King's Mountain and to the desire of the Whigs to swell their army in anticipation of an early British invasion. Martin Armstrong, a justice and major of the militia of Surry County, was proconsul of a section that had recently put forth an aggressive Tory rising and also had temporary charge of the prisoners taken at King's Mountain who were being conducted into Virginia. On the advice of a council of ten officers, he issued a proclamation, offering to intercede with the General Assembly for the pardon of those Tories who would make a full surrender before November 1, give security for appearance in court, and enlist in the militia. The Surry Tories were to serve a minimum of three months in the army; the King's Mountain prisoners, a minimum of six.⁷ Most of the Tories accepted the offer.⁸ The Board of War severely censured Armstrong for his action;⁹ and Col. Lee wrote in January that the pardoned Tories had all rejoined the British.¹⁰

Major Armstrong's action was hasty and indiscriminating; but it was, nevertheless, in line with an approved Whig policy, steadily pursued toward individuals and small groups during 1781 and, finally, given a sweeping

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1 C.R. XI., 776, 816; XII., 115, 116, 119, 121, 122; XXII., 507, 508.
2 C.R. XIV., 130, 150. 3 C.R. XIV., 468.
4 C.R. XIV., 712, 720; XV., 11. 5 Mag. Az. Hist., V., 298.
6 C.R. XIV., 428. 7 C.R. XIV., 745; XV., 128, 125.
8 C.R. XIV., 728. 9 C.R. XIV., 462-8.

10 Lee, Memoirs, 38. "I heard General Greene say yesterday that his last reutrn made out sixty in jail, and his intelligence from the enemy declares that two hundred of them were actually in arms against us". Lee to Wayne, Jan. 7, 1781.

application in 1782. The usual plan in 1780 and 1781 was to require three months' service with surety, carefully discriminating between "active" Tories and those who were "judged to be good Men".¹ The methods were not always gentle. One Tory complained that he had been "terrified" into enlisting by the sight of "a Gallows".² Col. Wade, then operating in the border counties of South Carolina, wrote in November, 1780, that he had about 100 Tories under arms.³ Finally, December 25, 1781, Governor Alexander Martin, "in tender compassion to the feelings of humanity.... and to stay the hand of execution", published a proclamation, offering pardon to Tories who would surrender before March 10, 1782, on condition that they would enlist for a service of twelve months.⁴ The alacrity with which the Tories accepted pardons and deserted from both sides is a striking commentary on the lack of political stamina of a portion of North Carolina's population.

Early in 1782, peace seemed assured; and the Whig policy of reconstruction began to crystallize. It is outlined in a letter from Governor Burke to Major Hogg, newly-appointed commander of the state troops, dated March 13, 1782. Governor Burke urged vigorous action, but stated that Tories who would enlist "even now" for a twelve months' service would be admitted to citizenship. "Except the very mischievous and atrocious, I wish to see very few submitted to the executioner".⁵

The Assembly, July, 14, 1781, had passed a bill for the more speedy trial of persons charged with treason.⁶ The idea of clemency, however, constantly gained ground; and, at the date of Governor Burke's letter, it was clearly the intention to punish only those notorious Tories who had led bands in the partisan war. Even Samuel Bryan, who had commanded a Loyalist corps in the British army and was condemned to death at Salisbury in March, 1782, was reprieved and exchanged, the Governor deeming this course "more just, as well as more politic".⁷ Four members of Fanning's gang were executed in the Summer of 1782.⁸ The execution of Tories of the semi-criminal type was approved by public sentiment. Many others, enlisting popular sympathy, were reprieved or pardoned.⁹ It must, of course, be remembered that most of the active Tories evaded capture and fled the country.¹⁰ Many of these would certainly have been executed had they remained. Governor Martin sent a message to the Assembly, April 21,

1 C.R. XIV., 483, 486, 461, 752, 765; XVI., 277.

2 C.R. XV., 286. 3 C.R. XIV., 752.

4 Fanning, Narrative, 39-40.

5 C.R. XVI., 281. Two weeks previously, four men in Hillsboro sentenced to death had been reprieved on condition of enlistment for 12 months. C.R. XVI., 522.

6 C.R. XVII., 869.

7 C.R. XVI., 266, 269, 694; Mag. Am. Hist., XVIII., 415.

8 C.R. XVI., 346; Fanning, Narrative, 22, 77.

9 C.R. XVI., 337, 777; XIX., 260.

10 Infra.

1783, requesting that, as prosecutions for treason were "daily" being carried on, a law be passed to decide the status of former Tories.¹ The Assembly responded with an Act of Pardon and Oblivion, forgiving all Tories except Peter Mallett, David Fanning and Samuel Andrews.²

The North Carolina Whigs never very seriously considered the "Tory zone" proposition, advanced by Fanning in January and February, 1782. He proposed that the Loyalists be allowed to segregate in a district comprising Cumberland County and territory 20 miles north and south and 30 miles east and west, public roads to be used by both parties.³ Fanning says that the Assembly discussed his plan three days,⁴ but Gen. Butler, who was in command in the Hillsboro district, pronounced the scheme "ridiculous".⁵ "Your propositions are many", he replied to Fanning, "and some of them uncustomary in like cases".⁶

The dealing with Loyalists during the last years of the war was not all, by any means, in deference to legislation and official orders. Much of the most effective work was done by the militia officers with little regard for law or regularity.

These men, who were on the firing line, were strong rough leaders, with crude ideas of government, but feeling that at all hazards they must crush insurrection. They were military officers entrusted with the execution of the civil law; and it is not strange that they should confuse their duties and carry their powers to extreme lengths. Recurring Tory uprisings, escapes from jail, and violation of oaths were evidence that little dependence could be placed on the Whig government or the Tory character.

As an almost necessary consequence of the demoralized, almost hysterical, conditions in the state, the Whig officers adopted a system of terrorism, of prompt and severe punishments. In the region of partisan war, the hanging of captured Tories became a matter of course. Sometimes the form of a court-martial was held; but, in any case, the command of the Whig colonel decided the matter.⁷ Caprice or leniency sometimes dictated other punishments, such as whipping or tarring and feathering.⁸ Burning of houses and wholesale plundering were frequent.⁹ Col. Benjamin Cleveland in the mountain region of the north-west¹⁰ and Col. Philip Alston

1 C.P. XVI., 777.

2 Fanning, Narrative, 47.

3 Ibid., 86.

4 C.E. XVI., 217.

5 Fanning, Narrative, 49.

6 C.R. XV., 511, 512, 513, 554; Draper, King's Mountain, 425-454. "The

Whigs of that day seldom had time to take Tory prisoners, and no place to put them if captured". Schenck, North Carolina, 69. For a tradition on this point, see Wheeler, Reminiscences, 172-3.

7 Draper, King's Mountain, 170, 442; Stedman, History, II., 348n.

8 C.R. XIV., 469; XV., 627.

9 C.E. XIII., 697.

2 C.R. XXIV., 490.

of Randolph County¹ were the most ruthless and brutal in their methods and most hated by the Tories.

Two incidents in this unfavorable record need special mention: the hanging of nine prisoners after the battle of King's Mountain and the conduct of the Whigs at the defeat of Col. Fries. The nine Tory prisoners were charged with various crimes and were condemned by a court-martial. But the motive of the Whigs was retaliation. The charges were vague, and the court-martial was a mere form.² At the defeat of Col. Fries, the Whigs were guilty of a wholly useless slaughter; a slaughter that is excused by some Whig writers as unpreventable, and frankly justified by others as a necessary terroristic measure. These incidents illustrate as well as anything the desperation, the vindictiveness, and the anarchy of the times.

There were at all times many sober Whigs who disapproved of these arbitrary measures; and severely criticised the militia officers. In 1779, Col. Cleveland and Capt. Herndon were indicted for murder by the Superior Court of Salisbury district. A resolution of pardon was carried in the House of Commons by a close ye and nay vote of 29 to 24.⁴ The Board of War instructed the militia officers not to deal harshly with Tory prisoners. In July, 1781, Gen. Stephen Drayton wrote to Governor Burke denouncing the arbitrary actions of militia officers, declaring that he was "for wresting that usurped power out of the hands of the soldiers, & by no means allow them individually to be Judges; it is enough, in doing their duty in the Field, that they are Executioners".⁵ Influenced perhaps by this letter, Governor Burke asked the Council of State to consider four abuses that seemed to him to prevail universally throughout the state: first, reciprocal violence, plunder and assassinations by Whigs and Tories; second, arbitrary proceedings by officers and individuals;⁷ third, negligence of duty and of orders; fourth, full prisons. In November, the Board of War instructed Gen Butler to apprehend and court-martial certain officers who had plundered Tories.⁸

Yet, the Whig government could hardly disclaim the extra-legal acts of its agents. In the April session of 1783, the Assembly passed "An Act to indemnify such persons as have acted in defence of the State, and for the preservation of Peace during the late War, from vexatious suits and

1 C.R. XVII., 339; XXII., 330, 337.

2 C.R. XV., 108, 109, 111, 378; Draper, King's Mountain, 340.

3 On this point, the opinion of English writers is interesting. Lamb called it "more foul, inhuman and abominable than anything which took place during the war". Journal, 347. Cornwallis said that the Tories "were most inhumanly butchered". Tarleton, Campaigns, 265. A modern historian pronounces it an "act of revolting barbarity". Hunt, Political History of England, 222.

4 C.R. XIII., 997, 998.

5 C.R. XIV., 391.

6 C.R. XV., 511.

7 C.R. XIX., 361.

8 C.R. XIV., 469.

prosecutions", frankly declaring that these persons had "committed sundry acts, which though not strictly agreeable to law, yet were requisite, and so much for the service of the public, that they ought to be justified by Act of Assembly"¹. Nearly two years later, a committee reported that Col. Alston should not be tried for the murder of a Tory, with four of the committeemen dissenting².

After the cessation of hostilities, Loyalism rapidly diminished in importance as a governmental problem. "Unreconstructed" Tories were rounded up with proclamations of outlawry and rewards³. Many Tories were too poor to emigrate, and these led for a time a sorry existence. In the western counties especially, there seems to have been ^{much} persecution. "The unfortunate Wretches, whom Fame and ill will call Tories" were held up to the public execration, were considered fit subjects for all sorts of reprisals, and were assailed by mobs⁴. An act passed November 28, 1784, defined the status of former Loyalists, resident in the state⁵. Farquard Campbell and James Terry, both of whom had been active Tories, were elected to the Assembly and promptly expelled⁶. In the Assembly, strong differences of opinion developed over confiscation. But, by the end of 1785, Loyalism in all of its phases was a dead issue⁷.

It is clear, therefore, that, while the adoption of a constitutional government gave a somewhat different interpretation and justification to anti-Tory measures, the Whigs continued to deal with the Loyalists in much the same manner as at the beginning of the struggle. Mild measures were abandoned; severe measures became more severe. A general administration of the Oath and deportation of recalcitrants were adopted; but both were imperfectly enforced. During 1780 and 1781, the militia officers assumed arbitrary powers, and visited summary punishments on active Tories. With the resumption of Whig supremacy and settled conditions, a policy of clemency was quickly adopted. Disregarding the extreme acts of individuals, a general review seems to warrant the conclusion that, while the

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1 C.R. XXIV., 488, 489.
2 C.R. XVII., 399, 400.
3 These had been used more or less since 1777. C.R. XI., 316; XII., 75, 77; XIII., 964; XVII., 106; XIX., 328.
4 "At the Guilford Feb'y Court Peter O'Neal & others armed with clubs in the Face of the Court then sitting and in the Court house too, beat some men called Tories so much that their Lives were despaired of, broke up the Court and finally have stopt the civil Laws in that County.... Rowan County Court I am told was also broke up.... If O'Neal (shot by Jacob Graves, Tory) should die I fear that a number of the unhappy Wretches called Tories will be murdered...." Jesse Benton to Col. Hart, Mar. 28, 1788, in Roosevelt, Winning of the West, I., 309n.
5 C.R. XIX., 472; Van Tyne, Loyalists, 320.
6 C.R. XVII., 414. "There is scarcely a man in the Senate who does not view Campbell with a mixture of indignation & contempt.... Scarcely one of his old acquaintances spoke to him." MacLaine to Hooper, April 21, 1784.
7 C.R. XVII., 135.
8 C.R. XVII., 381.

Whigs were weak on the side of administration, their policy, on the whole, was based on necessity and characterized by moderation.

VI.

CONFISCATION; EMIGRATION; COMPENSATION.

The spirit of confiscation was early evident in North Carolina. In the Summer of 1775, according to Josiah Martin, Whig "incendiaries" threatened Tories "with seizing their lands and properties and making division thereof"¹. In June, absentees holding estates in the colony were called home.² The confiscation of arms and ammunition began in July; this property was sold at auction and the proceeds went to the church-wardens of St. Michael's parish.³ At this time, the Whig leaders were not advocating unrecompensed appropriation or destruction of property. Negroes shot by the patrol were to be paid for from the public treasury,⁴ and militia captains were enjoined to give receipts for all arms seized from suspected persons.⁵

By the end of the first year of the war, increasing Tory resistance and possibilities of insurrection urged the Whigs to more radical measures. In December, a resolve of the Provincial Council that no Loyalist should "be intitled to any benefit or relief against any Debtor" showed a growing disregard of the Tory's legal rights.⁶ The Whigs seem to have immediately contemplated the confiscation of Thomas McKnight's abandoned property, valued at £30,000; and at once took vigorous steps to prevent its removal and waste.⁷

The battle of Moore's Creek necessitated the formulation of a more definite policy; which was anticipated by the officers of the Whig army. Gen. Moore ordered a detachment "to secure the persons and estates of the insurgents".⁸ The Provincial Congress, however, proved liberal, permitting the deported Tories "to make such disposition as they shall think proper of their estates and properties".⁹ The banished Loyalists did not dispose of their estates. Accordingly, commissioners were appointed to take inventories, to guard against "waste and embezzlement", to return effects taken from habitations, and to pay particular attention to the wants of women and children, the property to remain in statu quo till further order of Congress.¹⁰ Three commissioners also were to take possession of a "plantation or plantations" belonging to McKnight, and to rent them.¹¹ Of other absconding persons, leaving debts, enough property was to be sold to satisfy all claims.¹²

1 C.R. X., 17, 34, 125-129.
 2 C.R. X., 68.
 3 C.R. X., 362.
 4 C.R. XI., 285.
 5 C.R. X., 565.

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6 C.R. X., 244.
 7 C.R. X., 37.
 8 C.R. X., 417, 636; XI.
 9 C.R. X., 544.
 10 C.R. X., 572.

11 C.R. X., 54.
 12 C.R. X., 158.
 13 C.R. X., 268.
 14 C.R. X., 554.

The Provincial Congress, May 13, 1776, resolved that any inhabitant of the colony, convicted by vote of Congress or judicial decision of taking arms against America within the colony, should "forfeit all his goods and chattels, lands and tenements, to the people of the said Colony, to be disposed of by the Congress, or other general representation thereof".¹ The Council of Safety, July 4, 1776, ordered the commissioner to call at once on every suspected person to render an inventory on oath of his property.² With respect to certain Tories of Surry County, it was ordered that the Committee of that county "may take into their possession such parts of their Estates as may be movable And make out an Inventory of their Estates strictly personal and return the same to next Congress observing in the meantime that their families are supplied with the necessities of Life".³ After this, inventories were regularly required of suspected persons.⁴

The Whigs found much difficulty in collecting and keeping account of the movable property of absent Tories. Negroes were running at large, horses were being scattered over the country.⁵ In order to prevent waste and plundering, it was soon found necessary to sell the movable and perishable property. Eight Tory horses brought from Cross Creek were sold at auction in August, 1776.⁶ In November, the Provincial Congress ordered that "sundry horses and a Chariot the property of the late Governor Martin" be sold for ready money, the proceeds to go into the Treasury;⁷ and, in December, added the personal belongings of the former governor.⁸ At the same time, commissioners were appointed to secure the property of five partnerships,⁹ and were authorized to rent for one year plantations belonging to Thomas McKnight and James Parker.¹⁰

During the greater part of 1777, no radical change occurring in the situation, the Whig policy was to sell property only when considered absolutely necessary.¹² In February, various articles remaining in the Palace at Newbern, valued by Martin at between £3000 and £4000, were sold at public auction.¹³ Tories who emigrated under the "Tory Act" were allowed

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1 C.R. X., 525.
 2 C.R. XI., 308.
 3 C.R. XII., 308.
 4 C.R. XI., 348.
 5 C.R. XI., 348.
 6 C.R. X., 920.
 7 C.R. X., 961-2.
 8 Ibid.
 9 Thomas King; Thomas McKnight and William McCormick; Thomas McKnight and James Parker; Neil Jamieson and John Dunlap.
 10 C.R. X., 976.
 11 C.R. XII., 57, 62, 144, 145, 308.
 12 346 different lots were sold, ranging from an empty bottle sold for 6d and a boot-jack for 8s to a coach which brought \$250. His library included "The Deserted Village", "Fool Quality" and "Faith", titles that must have caused some merriment among Whig wags. C.R. XIV., 249; XXII., 380-389.

2 C.R. X., 642.
 4 C.R. X., 629, 630, 940, 964.
 6 C.R. X., 274.
 The proceeds of the sale, however, had not reached the Treasury, Feb. 9, 1779. C.R. XIII., 707.
 Also, 274. "To what an extreme of madness is this People arrived!" wrote Martin in November, 1776. C.R. X., 900.

to carry considerable property out of the state;¹ but it was a freely-expressed Whig opinion that "these infatuated and over-loyal People" were not likely ever to return to repossess their estates.²

The Continental Congress, November 27, 1777, recommended the states "to confiscate and make sale of all the real and personal estate therein, of such of their inhabitants and other persons who have forfeited the same, and the right to the protection of their respective states, and to invest the money arising from the sales in continental loan office certificates".³ North Carolina was ready to act promptly upon the recommendation. The "Tory Act" had provided that property belonging to persons leaving the state and remaining undisposed of, should after three months be declared forfeited.⁴ November 28, Gen. Griffith Rutherford, an extreme radical on every subject connected with the Loyalists, had been given leave to bring in a bill "for the confiscating the property of Thomas McKnight",⁵ which had passed to its third reading when the recommendation of the Continental Congress reached the Assembly, December 16.⁶ Thereupon, Rutherford's bill was withdrawn; and a new measure introduced by Thomas Burke was speedily passed.⁷

This act applied only to absentee Loyalists and Loyalists in arms. After reciting that "it is expedient and just that every Person for whom Property is protected in any State should be and appear within the same or join in Defense thereof whenever the same is threatened or invaded; and it is also just that a reasonable Time be given for such as have it in their Power to alledge favourable or mitigating Circumstances to induce this State to receive them as Citizens, and restore them to the Possessions which once belonged to them", the act declared that property of every kind, held on July 4, 1776, by a person absent from the United States on that day, or who had withdrawn himself since that day, or who had at any time attached himself to the enemy, should be confiscated, unless such person, returning, be admitted to citizenship and restored to his property by the next Assembly(October 1, 1778).⁸

The immediate effect of this legislation was to impel a number of⁹ propertied absentees to return and to request admittance to citizenship. They were put upon parole until their petitions could be acted upon by the Assembly.¹⁰ The course to be adopted in these cases must have been pretty well determined beforehand; for those petitions, not immediately granted by the Assembly, were referred to a joint committee which reported favorably within four days.¹¹ Most of the petitioners had been in England.

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1 C.R. XI., 396, 743.	2 C.R. XI., 720.
3 Journals of Congress(Ford ed.), IX., 871.	
4 C.R. XXIV.	5 C.R. XII., 149, 175.
6 C.R. XII., 196, 362-4, 398.	7 C.R. XII., 412, 483.
8 C.R. XXIV., 128ff.	9 C.R. XIII., 472.
10 C.R. XIII., 132, 253, 304.	11 C.R. XIII., 650, 651.

Thomas Hooper's case, for instance, was found "scarce within the province of the Confiscation Act, as his residence in England was of short duration, and which he immediately changed for France, this together with the ample Testimonials of the American Commissioners at Paris, in his favour, added to his former attachment to this Country, thro' affection as well as principle" induced the committee to recommend the restoration of his property.¹ In October, 1779, the Assembly granted the petition of Thomas Warff,² and rejected those of Thomas Oldham,³ H. E. McCulloch⁴ and Robert Palmer.⁵ Mrs. Andrew Miller, whose husband had transferred his mercantile business to New York, asked for permission to carry her property to the Bermudas; but the Governor and Council refused.⁷

While these petitions were being considered, the confiscation legislation itself was in constant agitation. In November, 1778, an Act to carry into effect the Confiscation Act had been passed, providing for the appointment of three commissioners for each county, and making ample provision for the welfare of families of absentees.⁸ There was much dissatisfaction with this law, a remonstrance being sent to the Assembly from Mecklenburg County.⁹ The adverse criticism was clearly provoked by the generous provision made for the heirs of absentees.¹⁰ After considerable difficulty and apparently acrimonious discussion, another act was passed in November, 1779, which specified by name sixty-three individuals and four mercantile firms whose property was declared forfeited.¹¹ Sixteen counties were represented in the list. Household furniture belonging to "the aged Parents, Wives, Children or Widows" was exempted.¹² This last provision was added as an amendment at the last moment, and was opposed by three members of the Senate.¹³ Fifteen members of the House of Commons protested against this act on the ground that it left the deserted wives and children in "precarious Dependence on the Charity of a future Assembly";¹⁴ and thirty-two merchants of Wilmington declared that it would "greatly endanger the credit of this State as a commercial Country".¹⁵

There had, as a matter of fact, been little actual confiscation

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| 1 C.R. XIII., 850-851. | 2 C.R. XIII., 987. |
| 3 C.R. XIII., 860, 861. | 4 C.R. XIII., 886, 891. |
| 5 Ibid. | 6 C.R. XIII., 84. |
| 7 C.R. XIII., 49. | 8 C.R. XXIV., 210ff. |
| 9 C.R. XIII., 721, 763. | In this act, it was stated, "such application |
| 10 C.R. XIV., 246. | is made of confiscated property as is directly repugnant to the nature and |
| 11 C.R. XIII., 768. | intention of Confiscation." C.R. XIV., 245, 246. |
| 12 C.R. XIII., 897, 898. | 13 C.R. XIV., 246. The opposition was led by Griffith Rutherford. |
| 13 C.R. XIII., 863, 870, 888, 897, 898, 891, 892. | 14 C.R. XIII., 768. Note his action on article XVIII of the next bill. |
| 14 C.R. XXIV., 268. | 15 C.R. XV., 203, 205. |
| 15 C.R. XIII., 897, 898. | |
| 16 C.R. XIII., 891, 892. | |
- "the bright Display of Wisdom, Virtue and Humanity exhibited.... in this masterly performance."

during 1778 and 1779.¹ The Whig populace in the matter of confiscation seems to have been more radical than its representatives;² and the confiscation laws gave excuse for many "unwarrantable depredations" which in some cases had "been carried so far as to deprive many poor people of their kitchen utensils, and even of some part of their wearing apparel". "Valuable effects", including slaves, had been "conveyed to distant parts" and unlawfully sold.³

The British invasion of 1780 made further attempts at orderly confiscation useless. So, on account of "the unsettled state of public affairs" and "the fluctuating state of the currency, as well as.... other causes," the acts of confiscation were suspended, the commissioners to busy themselves in the meantime preparing inventories.⁴

During the period of war within the state requisitioning of supplies was an authorized practice.⁵ The commissioners were directed to take into their possession grain and stock abandoned by Tories joining the British.⁶ In February, 1782, 327 steers were collected from fifteen Loyalists in Cumberland County, one Tory being relieved of 112.⁷ In March, 1782, Governor Burke instructed Maj. Hogg to subsist the state troops on the estates of Tories, "where it can be done without oppression".⁸

When the British withdrew, the Whigs returned to the subject of confiscation. A. MacLaine, the leader of the moderate faction,⁹ a former merchant of Wilmington,¹⁰ and a friend of the loyal Hoopers,¹¹ expressed his views in the Spring of 1782; and they are interesting in view of the meager light that we have on conservative Whig opinion. "The confiscated property appears to me", he wrote, "of the utmost importance where it is considered as a fund for sinking the public debt or as a punishment to individuals.... I am no friend to absolute confiscation in our circumstances.... I would postpone all sales except of perishable articles"; and two things he could never bring himself to favor: confiscating the landed estates of those who live in British dominions, and confiscating debts due to British merchants.¹²

In the Assembly of 1782, however, probably not over one-fourth of the

1 "There have been no confiscations but in Bladen county (except such as are named in the act) and that does not affect any but Mr. Burgwin's property in the county." MacLaine to G. Hooper, April 29, 1782. C.R. XVI., 957. Also XII., 489, 552.

2 C.R. XIV., 845-846. Also XVII., 149.

3 C.R. XXIV., 350.

4 C.R. XXIV., 352.

The Suspending Act was passed, Feb. 9, 1781. C.R. XVII., 687, 762.

5 C.R. XIV., 285, 443.

6 C.R. XIV., 469; XV., 682.

7 C.R. XVI., 208, 213.

8 C.R. XVI., 229.

9 For his moderation, see C.R. XVI., 949; XVII., 134, 144, 399, 400, 419, 421, 681; XIX., 332, 671.

10 C.R. XVII., 680.

11 Thomas and George. For this connection, see C.R. XVI., 957, 962; XVII., 134, 144, 149, 188, 681.

12 MacLaine to Burke, Mar. 27, 1782. C.R. XVI., 247.

members were opposed to confiscation.¹ A bill directing the sale of confiscated property was passed May 15.² The names included in the act of 1779 were repeated with two additions. All property was to be sold before January 1, 1783. The terms were to be credit for five years with a guarantee of payment in specie, or two-thirds might be paid down in certificates.³

The treaty of peace having reached North Carolina, Maclaine introduced into the Assembly, May 12, 1783, a bill to repeal acts conflicting with the fourth and sixth articles.⁴ The consideration of Maclaine's bill was postponed until October 1.⁵ An act of pardon and oblivion was passed, entirely unsatisfactory to the conservatives; and, some complaints of irregular sales having been received, a bill was passed to make the commissioners accountable to the courts.⁶

In January, 1783, the Continental Congress made its recommendation as to the restoration of Loyalist property, and the question of confiscation absorbed the attention of the succeeding Assembly. A rather definite alignment had now taken place, with Maclaine at the head of the conservatives¹⁰ and Timothy Bloodworth, a "Superintendent Commissioner of Confiscated Estates" in the district of Wilmington, and Griffith Rutherford leading the radicals.¹¹ The bill to repeal laws inconsistent with the treaty of peace was lost by a close vote in the House of Commons of 32 to 37.¹² Another bill providing for the restoration of property remaining unsold was rejected by a majority of 44.¹³ A third bill "was so exceptionally framed (it was indeed a job to enrich a few) that on the last day of the session it was laid over".¹⁴ No legislation was accomplished. The deliberation of the Assembly seems to have been a medley of personal jealousies and animosities on the one hand and friendships and business connections on the other, with so much individual wire-pulling that no one could be satisfied. "The popular cry", which was radical, did not find adequate expression.¹⁵

In the Autumn session of the assembly, a bill to repeal laws contravening the treaty of peace was again introduced and again rejected.¹⁶ A bill directing the sale of confiscated property was passed, November 24,

1 C.R. XVIII., 89.

2 C.R. XXIV., 424ff.

3 C.R. XIX., 210.

4 C.R. XVI., 962.

5 C.R. XVII., 8.

2 C.R. XIX., 115.

4 C.R. XIX., 382.

6 C.R. XXIV., 489.

8 C.R. XXIV., 497.

10 Maclaine wrote at this time: "I am most solicitous for the unoffending British subjects.... Let the British government pay the others." C.R. XVII., 134.

11 C.R. XVII., 144, 145; XIX., 492. As a rule, those who had been in the field against the Tories were most radical. See the yeas and nays votes of this session. C.R. XVII., *passim*.

12 C.R. XIX., 674.

13 C.R. XIX., 671, 673.

14 Maclaine to Cooper, June 14, 1784. C.R. XVII., 144.

15 C.R. XVII., 79, 138, 140, 149.

16 C.R. XIX., 746, 800.

1784.¹ The act excused itself on the ground that considerable property remained unsold; and named seven commissioners to take charge of the sales.² After this, excitement over Tory measures subsided,³ with a small group continuing to protest the action of the majority.⁴ A bill for securing purchasers of Tory property from suits for recovery was passed December 28, 1785.⁵ This was amended in January, 1787, permitting suits for recovery unless based upon claims derived from Tories.⁶

These numerous laws, with their apologetic preambles, indicate the halting and inefficient work of the commissioners.⁷ Very little forfeited property was sold prior to 1788.⁸ There were convincing complaints of improper proceedings and appropriation for private use.⁹ Widows of Tories, however, were given an indulgent hearing, and were granted a life-lease of their husbands' estates.¹⁰ In other cases involving a possible error or doubtful jurisdiction, the Assembly adopted a fair and reasonable attitude.¹¹ As to the actual productiveness of confiscation, I have no complete figures. On November 1, 1790, the report of the Committee on Finance showed a sum of £28,128, 19s, 9d in certificates due the public from the Commissioners of Confiscated Estates. Most of this sum had been raised in the districts of Wilmington, Hillsboro and Edenton.¹²

The emigration of Loyalists from North Carolina had three well-marked stages.

The first movement began with the acknowledged Whig dominance established by the battle of Moore's Creek. Until February, 1776, the Tories considered the Revolutionary government a treasonable creation soon to be overturned and visited with retribution. Governor Martin considered his sojourn on the Cruzier merely temporary, a somewhat ungraceful prelude to a triumphant Royal ascendancy. This period of hope and confident waiting was rudely terminated by the defeat at Moore's Creek. The Tory had now to do one of three things: to remain in the state, a consistent Loyalist, enduring persecution and loss of property; to remain, and, by submitting to the Test, attempt, hypocritically or sincerely, to adapt himself to the new regime; or to emigrate from the state. Under the circumstances, any choice involved a sacrifice. Some remained and suffered imprisonment and plundering; some sacrificed their political principles; others made

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1 C.R. XIX., 824.

2 C.R. XVII., 681.

3 C.R. XXIV., 780.

4 C.R. XIX., 841; XX., 58.

5 C.R. XVI., 857.

6 C.R. XVII., 371, 378.

7 C.R. XVI., 889; XVII., 870.

8 C.R. XXI., 1060, 1069.

2 C.R. XXIV., 861ff.

4 C.R. XVII., 419, 421.

6 C.R. XXIV., 794.

I have not found the transcripts of the Commissioners' reports, and my data at this point is therefore inadequate.

9 C.R. XVI., 481, 798.

Commissioners' reports, and my data at this point is therefore inadequate.

the no less disagreeable choice of expatriation. Immediately after the battle of Moore's Creek, a number of Tories fled to the English ships in the Cape Fear.¹ They were carried to New York, where some of them joined Loyalist corps.² Others, with the consent of the Whigs, left the state singly or in small groups.³

The second Loyalist exodus was occasioned by the disabilities imposed by the "Tory Acts" of 1777. As to the actual total of these exiles, I have no complete estimates. Contemporary observers considered that "great numbers" were leaving the country.⁴ Governor Martin, who was then at New York and in a position to know, stated that 150 reached that port between August 1, 1777, and January 28, 1778.⁵ During 1777 and 1778 many pass-ports were given individuals and small parties to depart; and a few were granted in 1779.⁶

The third emigration of Tories occurred at the end of the war. Numerically, this was by far the most important movement.⁸

The Tories who left the state in 1776, 1777 and 1778 were of the better class. They were men of property and social standing.⁹ Many were former office-holders; others had business connections in England.¹¹ Most of them were Scotch; and a majority were not natives of America.¹² They had been residents largely of the trading centers of the eastern counties.¹³ The Whigs testify that they were "men who have supported very fair characters; have ever been peaceful citizens, and borne their share of all public duties assigned them", their only crime being that they "refused the oath of Government".¹⁴ Those who departed in 1776 did so in considerable haste, and, in general, left their families and property behind them. Later, some of them returned, and recovered, not only their families, but also considerable property.¹⁵ Those who emigrated in 1777 and 1778 had ample time for preparation; and, when they departed, were accompanied by their families, household goods, "Indentured Female Servants" and negroes.¹⁶ They must have led for a time an unsettled and unhappy

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1 C.R. X., 652.

2 C.R. X., 824, 899, 900.

3 C.R. X., 700, 701, 928.

4 North Carolina Gazette, July 25, 1777. C.R. XI., 748; *ibid.*, Oct. 31, 1777. C.R. XI., 790.

5 Martin to Germain, Jan. 28, 1778. C.R. XIII., 368.

6 C.R. XI., 584, 588, 756, 596, 638, 640, 646, 687, 776; XIII., 1, 24, 373, 64.

7 C.R. XIII., 816, 828.

8 I regret that my material does not warrant a fuller statement. Cf., however, Caruthers, Incidents, 380; Fanning Narrative, 66; Ryerson, Loyalists, II., 61.

9 C.R. XI., 748, 788.

10 C.R. XI., 765-766, 790.

11 C.R. XI., 756.

12 C.R. XIII., 368. Of 22 refugees arriving at New York in 1777, only one was a native of North Carolina and 19 were Scotch. C.R. XI., 765-768.

13 Ante, Chap. V.

14 C.R. XI., 558, 554, 640.

15 C.R. XI., 690, 692, 698; XIII., 367, 367. Besides several who were admitted to citizenship.

16 C.R. XI., 596, 748, 765; XIII., 1, 64, 373.

life. Most of them went to New York, where their residence was necessarily temporary. Some enlisted; others began industriously to plot for another Loyalist demonstration in North Carolina;¹ others attempted to resume their former mercantile pursuits.² Many, drawn by kinships and friendships, returned to Scotland.³

The personnel of the third emigration was somewhat different. It included, of course, men of former good standing; but it was preeminently a movement of the poorer class. Many of these had taken part in the partisan war; not a few were of the more lawless element. They were people who had been technically guilty of treason; and were fleeing from the wrath of the Whigs. One writer is of the opinion that most of this class of Loyalist emigrants found refuge in Nova Scotia and New Brunswick.⁴ Another states that more of the Southern Tories went to the West Indies than to any other place.⁵ I am convinced that a majority of this class of Loyalists who left North Carolina went to Florida, the West Indies, or to the country west of the Alleghenies. The available material gives an impression that a rather large proportion settled in Florida; but doubtless many of these took ship at St. Augustine for other destinations. I can find no evidence that many North Carolinians settled in Canada. Fanning went to New Brunswick; but, of his former officers, he mentioned only three who accompanied him, while eight found homes in Florida and the West Indies, and fifteen remained in North Carolina.⁶ He himself claims the credit of leading 250 to the Florida Canaan.⁷ Many of the Tories of the western counties, used to the initiative of the frontier, pushed over the mountains and found homes in Tennessee.⁸

It must be remembered, however, that only a small proportion of Loyalists emigrated. The large number of vacillating Tories, who were first on one side and the on the other, remained, of course, in the country. Different motives impelled others to do the same. The natural inertia that resists strange and toilsome journeys, ties of blood and business, attachment to the country,-- these things resisted any general emigration. Afterward, the loneliness of the strange lands impelled many to return, some at the risk of capital punishment.⁹

In March, 1777, Martin began to recommend North Carolina Loyalists

1 E.g., John Hamilton. C.R. XIII., 368.

2 E.g., Andrew Miller. C.R. XIII., 24. Cf. XV., 415.

3 C.R. X., 828; XIII., 816.

4 Caruthers, Incidents, 380.

5 Ryerson, Loyalists, II., 61.

6 Fanning, Narrative, 19, 20, 76, 77. Fanning wrote in 1786 that the North Carolina Loyalists were "now in the west Indies and other parts of the world for refuge". Narrative, 22.

7 Fanning, Narrative, 23.

8 Senenck, North Carolina, 242, quoting Gen. Joseph Graham.

9 C.R. XVI., 267.

to the British government for compensation.¹ Former Chief-Justice Martin Howard arrived in New York "destitute of all means of subsistence", and wrote that he had once before, in 1765, sacrificed his belongings on the alter of British imperialism and had "never received any compensation".² In June, 1780, Governor Martin put in a claim for himself of three or four thousand pounds;³ but Germain replied that governors were to be indemnified for private losses from the confiscated estates of the rebels.⁴ The Loyalist refugees in London appointed a committee to press their claims on the government, H. E. McCulloch representing North Carolina.⁵ The latter state furnished 135 claimants out of a total of 2,560.⁶ But British officialdom did not fly to their aid on wings of mercy. In 1785, the Commissioners had granted one North Carolina refugee 30 pounds yearly "for temporary subsistence".⁷ John Bains, who had taken "an active part in command in six and thirty skirmishes", was not provided for in 1789.⁸ Lord Cornwallis wrote that the claims of Col. John Hamilton "for the vast sums which are due to him are treated with contempt".⁹ Cornwallis was interested in the Southern Loyalists and was the victim of their constant importunities. In January, 1784, he wrote: "I am still plagued to death and impoverished by starving Loyalists; but I am now determined to shut the purse, except in the most moving instances of misery";¹⁰ and six months later: "I am as usual pestered to death every morning by wretched starving loyalists".¹¹

The British government ultimately lent its aid;¹² but financial aid could never fully compensate them. They had lost the esteem of their neighbors and countrymen, and had received a barren welcome in other lands. They had broken the many ties of a familiar country. Beyond all, they had been beaten in their cause, and knew that they were to be misunderstood and maligned. It has taken, in fact, the light of a full century to show that Loyalism had its quota of heroes, and that Whig and Tory need alike the mantle of charity.

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1 C.E. XI., 711.

2 C.E. XIV., 849.

3 Eyerson, *Loyalists*, II., 130n.

4 Fanning, *Narrative*, 67.

5 Cornwallis, *Correspondence* (Ross, ed.), I., 198.

6 Ibid., I., 168.

7 Ibid., I., 176.

2 C.E. XI., 760, 761.

4 C.E. XV., 148.

6 Van Tyne, *Loyalists*, 803.

8 Ibid., 85.

12 Material for a full analysis of North Carolina compensation has not been available.

VII. CONCLUSION.

Loyalism in North Carolina did not contain in itself the vitality and independence which makes a cause respected. Potentially strong in numbers and in logic, it was, nevertheless, weak and ineffective in practice. It remained sectional and isolated, founded more on local traditions, petty jealousies and clannishness than on the broad ground of law, justice and expediency. The Loyalists were early thrown on the defensive and forced into a negative, obstructive course, which rendered their cause unattractive and seemed to put it wholly in the wrong. Before the war, they had no literature and no influential champions; at its outbreak, they were unprepared; afterward, they were always leaderless and unorganized. Their larger movements were excited by the expectation or the presence of the British. Throughout the struggle, the absence of a high moral and intellectual tone is everywhere evident.

The Whig party, on the other hand, was fortunate in its leaders, who were ahead of the mass in correctness of judgment and in conservatism of opinion. They were attempting to govern in times of stress and demoralization; hence, no policy, however intelligent, could be followed with thoroughness and consistency. Their attitude toward their internal opponents was characterized by reversion rather than progress: they began with argument and appeal; they ended with raids, executions and plundering. Yet, this attitude was largely unavoidable; and, making due allowance for the circumstances, was characterized, on the whole, by moderation.

APPENDICES.

A.

TESIS.

Recantation signed by John Coulson in the Provincial Congress, August 22, 1775:

"I, John Coulson do, from the fullest Conviction solemnly and sincerely declare, that I have been pursuing measures destructive of the Liberties of America in General, and highly injurious to the peace of this Colony; and truly conscious of the heinousness of my Guilt, do now publicly confess the same; and do solemnly and sincerely promise, that I will for the future support and defend, to the utmost of my power, the Constitutional Rights and Liberties of America: and in order to make atonement for my past Guilt that I will make use of every effort in my power to reclaim those persons who I have seduced from their duty, and also to induce all other persons over whom I have influence, to aid, support, and defend, the just Rights of America. In Witness whereof. etc."

Test prepared by the Provincial Congress, August 28, 1775:

"We the subscribers professing our allegiance to the King and acknowledging the Constitutional Executive power of Government, do Solemnly profess, Testify & Declare, that we do absolutely believe, that neither the parliament of Great Britain nor any member or Constituent Branch thereof hath a right to impose Taxes upon these Colonies to regulate the Internal police thereof and that all attempts by fraud or force to establish & exercise such claim & power are violations of the peace & security of the people, and ought to be resisted to the utmost, and the people of this province singly and collectively are bound by the Acts and Resolutions of the Continental and Provincial Congresses, because in both they are freely represented by persons chosen by themselves, and we do solemnly and sincerely promise; and engage under the Sanction of Virtue, Honor and the Sacred Love of Liberty and of our Country, to maintain and support all and every the Acts, Resolutions & Regulations of the said Continental and Provincial Congresses to the utmost of our power and abilities. In Testimony we have hereunto set our hands, etc."

William Franklin took the following oath before the Rowan Committee of Safety, February 6, 1776:

"I, William Franklin do freely and solemnly swear on the Holy Evangelists of Almighty God, that I will not take up arms against the Friends of American Liberty, nor will I directly or indirectly aid or assist, comfort or encourage any Person or Persons opposing in any manner the measures pursuing by the Americans in Defence of their Liberty."

Test adopted, July 25, 1776:

"We the Subscribers do Solemnly profess testify and declare, that we do absolutely believe that neither the Parliament of Great Britain, nor any Member or constituent branch thereof hath a right to impose Taxes upon these Colonies to regulate the Internal police thereof, and that all attempts by fraud or force to establish and exercise such claims and powers are violations of the peace and Security of the people, and ought to be resisted to the utmost, and that the people of this province singly and collectively are bound by the Acts and Resolutions of the Continental and provincial Congresses because in both they are freely represented by persons chosen by themselves, and we do solemnly and sincerely promise and engage under the Sanction of Virtue honor and the sacred Love of Liberty and our Country, to Maintain and support all and every the Acts, Resolutions and Regulations of the said Continental and provincial Congresses to the utmost of our powers and Abilities. In Testimony, etc."

By an ordinance passed by the Constitutional Convention, November 22, 1776, the Governor was directed to offer free pardon and protection to Loyalists under arms who would take the following oath within 90 days:

"I A. B. do sincerely promise and swear, that I will be faithful and bear true Allegiance to the State of North Carolina, and to the Powers and Authorities which are or may be established for the Government thereof, and that I will to the utmost of my Power, maintain and defend the same against all Attempts whatsoever: and I do swear, that I will do no act wittingly, whereby the Independence of the said State may be destroyed or injured. SO HELP ME GOD."

An oath provided for in "Tory Act" of 1777, to be taken by former Royal officials and those who had traded with Great Britain:

"I will bear faithful and true Allegiance to the State of North Carolina, and will to the utmost of my Power, support and maintain, and defend the independent Government thereof, against George

the Third, King of Great Britain, and his Successors, and the Attempts of any other Person, Prince, Power, State, or Potentate, who by secret Arts, Treasons, Conspiracies, or by open Force, shall attempt to subvert the same, and will in every Respect conduct myself as a peaceful, orderly Subject; and that I will disclose and make known to the Governor, some Member of the Council of State, or some Justice of the Peace, all Treasons, Conspiracies, and Attempts, committed or intended against the State, which shall come to my knowledge."

Statutory Oath of Allegiance and Abjuration adopted 1777:

"I, A. B., do solemnly and sincerely promise and swear, that I will be faithful and bear true Allegiance to the State of North Carolina, and to the Powers and Authorities which are or may be established for the Government thereof, not inconsistent with the Constitution. And I do solemnly and sincerely declare, that I do believe in my Conscience that neither the King of Great Britain, nor the Parliament thereof, jointly with the said King or separately, or any foreign Prince, Person, State, or Potentate, have, or ought to have any Right or Title to the Dominion or Sovereignty of this State, or to any part of the Government thereof. And I do renounce, refuse, and abjure any Allegiance or Obedience to them, or any of them, or to any Person or persons put into Authority by or under them, or any of them. And I will do my utmost Endeavours to disclose and make known to the legislative or executive Powers of the said State, all Treasons and traiterous Conspiracies and Attempts whatsoever, which I shall know to be made or intended against the said State. And I do faithfully promise, that I will endeavour to support, maintain and defend, the Independence of the said State, against him the said King, and all other persons whatsoever. And all these things I do plainly and sincerely acknowledge and swear, according to these express words by me spoken, and according to the plain and common Sense and Understanding of the same Words, without any Equivocation, mental Evasion, or secret Reservation whatsoever. And I do make this Acknowledgement, Abjuration, and Promise, heartily, willingly, and truly. SO HELP ME GOD!"

B.

PERSONS NAMED IN THE CONFISCATION ACTS OF 1779 AND 1782.

CURRITUCK COUNTY.

William Tryon
 Josiah Martin
 Sir Nath'l Duckinfield
 H. E. McCulloch
 Henry McCulloch
 Samuel Cornell
 Edmund Fanning
 Thomas McKnight
 Francis Williamson

PASQUOTANK COUNTY.

James Parker
 William McCormick
 John Dunlap
 Neal Snodgrass
 John Lancaster

CRAVEN COUNTY.

James Green
 John Alexander

CHOWAN COUNTY

Thomas Oldham

IRELAND

Thomas Christie

NEW HANOVER COUNTY

Frederick Gregg

HALIFAX COUNTY

Andrew Miller
 Alexander Telfair
 Hugh Telfair
 John Thompson
 John Hamilton
 Archibald Hamilton

GRANVILLE COUNTY

George Alston

VIRGINIA MERCHANTS

Michael Wallace
 John Wallace

GUILFORD COUNTY

William Field
 John Field, jr.
 Robert Turner

TRYON COUNTY

John Moore

SURREY COUNTY

James Roberts

DOBBS COUNTY

George Miller

ANSON COUNTY

James Cotton
 Walter Cunningham
 Samuel Williams

ROWAN COUNTY

Samuel Bryan
 William Spurgin
 Matthias Sappinfield

EDGECOBE COUNTY

William McClellan

BUTE COUNTY

Dinwiddie, Crawford & Co.

BEAUFORT COUNTY

Robert Palmer

NEWBERN

E. B. Dobbs
 Ralph McNair
 John McNair
 Joseph Field
 James McNeil
 Archibald McCoy
 Alexander McCoy
 Neil McArthur
 John Leggett
 John McCloud
 Colin Shaw
 William Campbell

NEWBURN (continued)

James Gamble & Co.

Thomas Rutherford

William Rose

Alexander McCoy

Messrs. Waller & Bridgen

Alexander McAulden

GRANVILLE COUNTY (continued)

Alexander Campbell

Robert Bell

Duncan Campbell

WILMINGTON

Chauncey Townsend

Dr. Tucker

Buchanan, Hastie & Co.

ADDED IN THE ACT OF 1792.

James McNeil, Halifax

Alexander Munn, Wake.

C.
ANTI-TORY LEGISLATION.

ACTS RELATING TO PERSONS OF LOYALISTS.

An Act to define Treason and Misprision of Treason. etc.	1777.
An Act to amend the above Act.	1777.
An Act for the speedy trial of all persons accused of treason.	1780.
An Act for the relief of such persons as have taken paroles.	1781.
An Act for the more speedy trial of persons charged with treason.	1781.
An Act of pardon and oblivion.	1782.
An Act to describe and ascertain persons who owed allegiance.	1784.
An Act to amend the above Act.	1785.

ACTS RELATING TO THE PROPERTY OF LOYALISTS.

Confiscation Act.	1777.
An Act to carry into effect the Confiscation Act.	1778.
An Act to carry into effect the Confiscation Act.	1779.
An Act for securing quiet and inoffensive inhabitants from being injured and confiscated property from being wasted.	1780.
An Act for suspending the Act for carrying into effect the Confiscation Act.	1780.
An additional Act to the above Act.	1781.
An Act directing sale of confiscated property.	1782.
An Act to make the commissioners accountable to the courts.	1783.
An Act directing sale of confiscated property.	1784.
An Act to secure and quiet in their possessions, etc.	1785.
An Act to amend the above Act.	1786.

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